

GENERAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

THIRTY-FIFTH SESSION

OF THE

GENERAL ASSEMBLY.

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BY AUTHORITY.  
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INDIANAPOLIS:

J. P. CHAPMAN, STATE PRINTER.

1851.

GENERAL LAWS.

CHAPTER I.

AN ACT to amend article 5, chapter 48, of the Revised Statutes of 1843, in relation to the writ of ad quod damnum.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Application may be made to Circuit Court for writ to establish the height of mill-dams in certain cases.
2. Writ may be issued—jury impaneled—day of meeting fixed—notice to be given.
3. Jury, with competent engineer, shall view and survey land and water course.

SECTION

4. Shall establish height of mill-dam, to be estimated from durable monument.
5. Certain provisions of the Revised Statutes of 1843 shall be observed.
6. The established height of mill-dam shall operate as an injunction in certain cases.
7. Costs of proceedings—how paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That when any person shall be the owner, either by legal or equitable title, and shall have erected a mill and mill-dam, or who desires to erect such mill or mill-dam on his, her, or their own lands, upon any river, creek, spring, or water course, below the mill or mills of any person or persons upon the same river, creek, spring, or water course, may have a writ of ad quod damnum to establish the height which he can erect and keep at his said mill-dam without flowing the water back upon the mill or mills above his said mill-dam, by making application for such writ to the circuit court of the county where such land lies upon which his said mill-dam is, or is proposed to be erected, specifying in such application the ground and object thereof.*

SEC. 2. *Such court may thereupon order the clerk to issue such writ to be directed to the sheriff, commanding him to summon and impanel six fit persons, not related to either of the parties, to meet*

on the land where the lower mill-dam is erected or proposed to be erected, on a certain day to be named by the court, and to be included in said writ, of which meeting ten days' previous notice to the proprietor or proprietors of the mill or mills above shall be given, if to be found in the county, if not there, to his, her, or their agent, if any he, she, or they have in such county, or if there be no such agent, then to be advertised at the door of the court house of the proper county for two terms of such court.

SEC. 3. The jury so summoned and impaneled, after being sworn, shall call to their assistance a competent engineer; said jury and engineer shall be charged by the sheriff, impartially, and to the best of their skill and judgment, to view the land where the lower mill-dam is erected, or proposed to be erected, and the water course and land above said lower mill-dam to the mill or mills above, and to carefully survey and survey and level between said mill or mills above, and where the said lower mill-dam has been, or is proposed to be erected.

SEC. 4. Said jury shall, with the assistance of such engineer, establish the height of the said lower mill-dam, at which it may be erected and kept up without causing back water and injury at or to said upper mill or mills, the height of said lower mill-dam to be estimated from and by a permanent monument of durable stone, to be placed in and upon the land near said lower mill-dam in such manner that the height of said monument will not be liable to be affected by water, weather, or frost.

SEC. 5. Such jury shall be summoned, and such inquest conducted and returned, and notice given, as on an application in the case of erecting a new mill, and the provisions of the said fifth article of the said 48th chapter of the Revised Statutes of 1843, shall be observed and followed in the said proceedings to establish the height of the said lower mill-dam, so far as the same are applicable.

SEC. 6. The height so established at which such lower mill-dam may be erected and kept up without injury to such upper mill or mills shall operate as an injunction against such applicant, and all persons claiming under him, her, or them, from erecting or keeping up said lower mill-dam above the height so established by such inquest, and such inquest shall operate as an injunction against the owner or owners of such upper mill or mills, and all persons claiming under him, her, or them, from prosecuting any suit at law or in chancery against the owner or owners of such lower mill-dam for, or on account of damages to such upper mill by reason of the erecting or keeping up such lower mill-dam to the height allowed and established by such inquest.

SEC. 7. The cost of said writ and the proceedings in establishing the height at which such lower mill-dam may be erected and kept up, shall be paid by the person or persons so applying to have the same established: *Provided, however,* That the court may, in their discretion, tax any cost against the proprietor or proprietors of such upper

mill or mills, which, in the opinion of the court, have been unnecessarily and vexatiously caused by him, her, or them.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER II.

AN ACT for the benefit of the State Agent.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Allowance for a safe, and for office rent.

SECTION

2. Duties of Auditor and Treasurer of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Allen May, Agent of State, be and he is hereby allowed the sum of two hundred and ten dollars for the purchase of a safe for the use of said agency, and the sum of two hundred and fifty dollars for the payment of office rent in the city of New York.

SEC. 2. That the auditor and treasurer of state are hereby authorized and required to audit and pay the above account.

CHAPTER III.

AN ACT for the encouragement of Agriculture.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Organization of district or county societies:—such societies may receive funds arising from licenses to exhibit menageries, circuses, theatrical performances, or other shows.
2. Societies shall annually offer rewards and premiums.
3. Shall publish annually a list of awards, &c.
4. Indiana State Board of Agriculture incorporated.
5. State Board shall appoint officers, &c.

SECTION

6. Annual meetings of State Board and county societies — reports from county societies — election of members of State Board.
7. State Board shall make annual reports to the General Assembly.
8. Appropriation for use of State Board.
9. State Agricultural Fairs—premiums, &c.
10. Ordinary expenses of Board shall be certified to Auditor of State—duty of Auditor and Treasurer.
11. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever thirty or more persons, residents of any county or district embracing two counties of this state, shall organize themselves into a society for the improvement of agriculture within said county or district, and shall have adopted a constitution and by-laws agreeably to the rules and regulations to be furnished by the Indiana State Board of Agriculture hereinafter created, and shall have appointed the usual and proper officers; and when said society shall have raised and paid to their treasurer, by voluntary subscription or by fees imposed upon its members, any sum of money not less than fifty dollars; and whenever the president of said society shall certify to the respective county auditors the amount thus paid, attested by the oath or affirmation of the treasurer before a magistrate, it shall be the duty of said county auditors embraced within the district in which such society shall be organized, to draw an order on the treasurer of his respective county in favor of the president and treasurer of said society, for whatever amount of funds there shall have been received during the previous year for all licenses issued to persons exhibiting menageries, circuses, or theatrical performances, or other shows: Provided, Said order shall not exceed the amount raised and paid in by said society by voluntary subscriptions or fees, and it shall be the duty of the treasurer of said county to pay the same.*

SEC. 2. *That it shall be the duty of the several county or district societies which may be formed under the provisions of the preceding*

section during the continuance of this act, annually to offer and award premiums for the improvement of soils, tillage, crops, manures, improvements, stock, articles of domestic industry, and such other articles, productions and improvements as they may deem proper, and may perform all such acts as they may deem best calculated to promote agricultural and household manufacturing interest of the district and of the state; and it shall also be their duty so to regulate the amount of premiums and the different grades of the same as that it shall be competent for small as well as large farmers to have an opportunity to compete therefor; and in making their awards special reference shall be had to the profits which may accrue, or be likely to accrue, from the improved mode of raising the crop, or of improving the soil, or stock, or of the fabrication of the articles thus offered, with the intention that the premium shall be given for the most economical mode of improvement; and all persons offering to compete for premiums on improved modes of tillage, or the production of any crop or other articles, shall be required, before such premium is adjudged, to deliver to the awarding committee a full and correct statement of the process of such mode of tillage, or production, and the expense and value of the same, with a view to showing accurately the profit derived or expected to be derived therefrom.

SEC. 3. *It shall be the duty of each county or district society to publish annually a list of the awards, and an abstract of the treasurer's account, in a newspaper of the district, and to make a report of their proceedings during the year, and a synopsis of the awards for improvements in agriculture, and household manufactures, together with an abstract of the several descriptions of those improvements, and also make a report of the condition of agriculture in their county or district, which report shall be made out in accordance with the rules and regulations of the Indiana State Board of Agriculture, and shall be forwarded to the State Board at their annual meeting in January of each year; and no subsequent payment shall be made from the county treasury unless a certificate is presented to the auditor from the secretary of the State Board, showing that such reports have been made.*

SEC. 4. *That Joseph A. Wright of Marion county, Alexander C. Stevenson of Putnam county, Jeremiah McBride of Martin, Roland Willard of Kosciusko, Jacob R. Harris of Switzerland, Henry L. Ellsworth of Tippecanoe, John Ratliff of Morgan, Joseph Orr of Laporte, David P. Holloway [of] Wayne, John B. Kelly of Warrick, William McLain of Lawrence, Samuel Emerson of Knox, John McMahan of Washington, Thomas W. Sweney of Allen, George Brown of Shelby, and George Hussey of Vigo, be and they are hereby created a body corporate, with perpetual succession, in the manner hereafter described, under the name and style of the "Indiana State Board of Agriculture."*

SEC. 5. *It shall be the duty of said Board, or any five of them, to meet in the city of Indianapolis at such time as the Governor shall*

appoint, and to organize by appointing a president, secretary, and treasurer, and such other officers as they may deem necessary; also, determine by lot the time each member shall serve, so that the term of service of one-half of the members shall expire annually, on the day of the annual meeting in January; and the president shall have power to call meetings of the Board whenever he may deem it expedient.

SEC. 6. There shall be held in the city of Indianapolis, on the first Thursday after the first Monday in January, an annual meeting of the Indiana State Board of Agriculture, together with the president of each county agricultural society, or other delegate therefrom duly authorized, who shall, for the time being, be *ex officio* members of the State Board of Agriculture, for the purpose of deliberation and consultation as to the wants, prospects, and conditions of the agricultural interests throughout the state; and at such annual meeting the several reports from the county societies shall be delivered to the president of the Indiana State Board of Agriculture; and the said president and delegates shall at this meeting elect suitable persons to fill all vacancies in the Indiana State Board of Agriculture.

SEC. 7. And it shall be the duty of said Board to make an annual report to the General Assembly of the State, embracing the proceedings of the Board for the first year, and an abstract of the proceedings of the several county agricultural societies, as well as a general view of the condition of agriculture throughout the state, accompanied by such recommendations as they may deem interesting and useful.

SEC. 8. That the sum of one thousand dollars be and the same is hereby appropriated from the treasury for the use of the Board, and an account of the expenditures of the Board shall be included in the annual report of the Board to the General Assembly.

SEC. 9. That the Indiana State Board of Agriculture shall have power to hold state fairs at such times and places as they may deem proper and expedient; and have the entire control of the same, fixing the amount of the various premiums offered, embracing every article of science and art, or such portions of them as they may deem expedient and proper, calculated to advance the interest of the people of the state. They may employ assistants, receive contributions, donations, &c., and unite with a county or district society for the purpose of defraying the expenses of said state fairs.

SEC. 10. The State Board of Agriculture shall certify to the auditor of state the ordinary expenses of the Board, including the necessary personal expenses of the members in their attendance on not more than two meetings in any one year. The auditor shall audit the same, and on his warrant the treasurer of state shall pay the same out of the money appropriated by the eighth section.

SEC. 11. That all laws conflicting with the provisions of this act be and the same are hereby repealed, and this act shall be in force from and after its passage.

CHAPTER IV.

AN ACT to apportion Senators and Representatives for the next five years.

[APPROVED FEBRUARY, 13, 1851.]

SECTION

1. Apportionment of Senators.

SECTION

2. Apportionment of Representatives.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of electing senators to the General Assembly of this state for the ensuing five years, the state shall be, and is hereby divided into the following districts, each of which shall be entitled to one senator: Steuben and DeKalb one; Elkhart and Lagrange one; Noble, Kosciusko, and Whitley one; Huntington and Wells one; Allen and Adams one; Randolph and Jay one; Delaware, Blackford, and Grant one; Miami and Wabash one; Cass, Pulaski, and Howard one; St. Joseph, Marshall, Fulton, and Starke one; Laporte, Lake, and Porter one; Warren, Benton, Jasper, and White one; Carroll and Clinton one; Hamilton, Tipton, and Boone one; Tippecanoe one; Fountain one; Parke and Vermillion one; Vigo, Sullivan and Clay one; Putnam one; Montgomery one; Hendricks one; Morgan one; Marion one; Madison and Hancock one; Orange and Crawford one; Martin, Knox, and Daviess one; Harrison one; Floyd one; Warrick, Perry, and Spencer one; Posey and Vanderburgh one; Pike, Gibson, and Dubois one; Henry one; Wayne one; Union and Fayette one; Rush one; Franklin one; Shelby one; Johnson one; Owen and Greene one; Monroe and Brown one; Bartholomew and Jennings one; Decatur one; Dearborn one; Ripley one; Switzerland and Ohio one; Jefferson one; Jackson and Scott one; Clark one; Washington one; Lawrence one. The county of Knox shall be attached to the counties of Daviess and Martin for senatorial purposes. The district composed of Huntington and Wells shall elect a senator in the year eighteen hundred and fifty-one.

SEC. 2. In electing representatives for the next five years the members of the house of representatives shall be apportioned among the counties as follows: Wayne shall be entitled to elect three; Marion, Franklin, Dearborn, Sullivan, and Jefferson, shall each elect two; Noble, Whitley, Wabash, Grant, Miami, Kosciusko, Lagrange, St. Joseph, Fulton, Cass, Laporte, Porter, Lake, Carroll, Warren, Clinton, Union, Fayette, Hancock, Parke, Fountain, Vermillion, Owen, Morgan, Johnson, Shelby, Decatur, Ripley, Jennings, Bartholomew, Monroe, Brown, Greene, Knox, Daviess, Martin, Gibson, Pike,

Dubois, Lawrence, Jackson, Scott, Harrison, Washington, Orange, Crawford, Perry, Spencer, Warrick, Vanderburgh, Elkhart, Hendricks, Allen, Adams, Jay, Blackford, Delaware, Randolph, Henry, Clark, Floyd, Montgomery, and Hamilton, shall each elect one; the counties of Switzerland and Ohio shall jointly elect two; Steuben and DeKalb shall jointly elect two; Huntington and Wells shall jointly elect one; Marshall and Starke one; White and Benton one; Pulaski and Jasper one; Howard and Tipton one. The counties of Madison, Boone, Posey, and Clay, shall elect two in the years 1851 and 1854, and one at each of the other elections. The counties of Rush, Putnam, and Tippecanoe, shall each elect one in the years 1851 and 1854, and two at each of the other elections. The county of Vigo shall elect two in the years 1851 and 1854, and three at each of the other elections under this apportionment. The county of Washington shall elect one additional representative in the year 1854, and the county of Floyd shall elect one additional representative in the years 1852 and 1855. The county of Clark shall elect one additional representative in the years 1851 and 1853. The county of Montgomery shall elect an additional representative in the years 1851, and 1853, and 1855, and the county of Henry shall elect one additional representative in the years 1852 and 1854.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER V.

AN ACT to appraise the real estate of this State, and to make the value of the same equal and uniform throughout this State.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. County boards shall appoint appraisers of real estate—may appoint assistant appraisers.
2. Oath of appraisers.
3. Duty of county board on failure of appraiser to take oath—oath of assistant appraiser.
4. County auditors shall prepare copy of list of lands and town lots on duplicate of the preceding year, and deliver the same to the appraiser on application.
5. Between the first Monday of March and the fifteenth day of August, appraiser shall list and appraise real estate in his county—he shall take into consideration local advantages, vicinity to public improvements, &c.
6. Appraiser shall call upon residents for lists of lands and lots—particulars to be set forth in list.
7. Duty of appraiser in relation to property of absentees, non-residents, and persons who fail or refuse to deliver list.
8. Rules by which appraiser shall be governed in ascertaining the quantity of land in the several tracts in his county.
9. Form in which appraiser shall complete his list.
10. Appraiser shall inform owner of real estate of amount of appraisement, and of time of meeting of county equalization board.
11. Appraiser required to enter and examine buildings, &c.
12. Time at which appraiser shall deliver return to county auditor—form and contents of return.
13. Oath of appraiser—duty of county auditor—notice of meeting of board of equalization.
14. Board of equalization—how constituted—shall have power to hear and determine complaints.

SECTION

15. Compensation of appraisers, deputy appraisers, and board of equalization.
16. Accounts of appraisers and deputy appraisers—how kept—when presented, and how verified.
17. Board doing county business may make deductions from account of appraiser for neglect of duty; for which neglect he shall be subject to presentment and indictment, and may be fined—Judges of Circuit Courts to give this act in charge to grand juries.
18. Duty of appraisers when persons refuse to furnish required list.
19. Appraiser shall deliver to county auditor all statements of property which he shall have received from persons required to list real estate—duty of auditor.
20. County auditors shall add one hundred per cent. in certain cases.
21. County auditors may authorize and require appraisers to correct errors or omissions.
22. County auditors shall correct errors discovered in the description or quantity of lands or lots.
23. Meaning of "county auditor" in this act.
24. County auditors shall cause blank lists, forms, and instructions to be printed, and deliver same to appraisers.
25. Auditor of state shall prepare and transmit to county auditors certain forms and instructions.
26. Time of meeting of boards of equalization—time when taxes for county, school, and road purposes shall be assessed.
27. Appraisement shall stand for five years.
28. When to take effect—repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business of each organized county in this state, shall, at their first term after the passage of this act, appoint some suitable person, resident in such county, as appraiser of the real estate in such county; and if a vacancy shall at any time happen, in the office of appraiser as aforesaid, for any cause whatever, before the duties required of such appraiser shall be fully completed, then, and in that case, the said court, at any regular or special session thereof, shall fill such vacancy, and the said appraiser so appointed, shall hold his office until the — day of — 185, if he shall so long behave well: *Provided,* That nothing in this section shall prevent the board doing county business of any county from appointing an assistant or assistants to the appraiser, in case of sickness, want of time, or other disability to discharge the duties of his office in the time and manner required by law.

SEC. 2. That the appraiser or appraisers so appointed, shall, previous to entering on the duties of his office, take and subscribe an oath or affirmation, to be endorsed on his appointment, that he will faithfully, impartially, and to the best of his skill and ability appraise all the lands and town lots situate in his county at their true cash value.

SEC. 3. That if any person appointed appraiser as aforesaid, shall not, within ten days after his appointment, take and subscribe the oath or affirmation as required by the preceding section, the said office shall be considered vacant, and the board doing county business shall proceed to fill the same as in other cases; and the person appointed assistant, or to fill the vacancy, shall take the oath of office, as required in the preceding section.

SEC. 4. That the county auditor of each county shall, on or before the first day of March next, prepare a copy of a list of all lands and town lots entered on the duplicate of the preceding year, noting thereon all transfers which may have been made subsequent to the making out of such duplicate, and shall also enter thereon all new entries and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation, which shall be delivered to the appraiser on application.

SEC. 5. That it shall be the duty of the appraiser or appraisers appointed in pursuance of the provisions of this act, immediately after the first Monday of March next, and before the fifteenth day of August next, to proceed to list and appraise all the real estate in his county, subject by law to taxation, as follows, to-wit:

1st. The said appraiser shall, upon actual view, make a true valuation of all lands, together with the improvement and buildings thereon, or affixed thereto, at their full value in money, as he would appraise the same in payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to railroads, McAdamized roads, clay roads, turnpike roads, plank roads, state or county roads, cities, towns, villages, navigable rivers, water privileges on the same, or in the vicinity of

the same, the location of the route of any canal or canals, with any other local advantages of situation: *Provided,* That said appraiser shall also value all lands at their cash value, without taking into consideration any improvements that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in a proper column to be left for that purpose.

2d. In-lots and out-lots in all towns, cities, and villages, with the improvements made thereon or affixed thereto, shall be valued at their true and full value in money, taking into consideration all the local advantages of situation, to be valued upon actual view of the premises.

SEC. 6. That the appraiser shall call upon each and every person resident in his county, for a list of all lands and town in-lots and town out-lots owned by such person or persons lying within his county, which may be subject to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section, or subdivision thereof, the range, township, section, quarter section, tract, lot, or part thereof, or the number of the entry, location, or survey, and water course, as the nature of the general or particular survey may require, and if the same cannot be described by the congressional survey, then it shall be described by metes and bounds, so as to designate and identify the same; and in the French and English grants, or Clark's grant shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of the eighth section of this act, the number of the entry, water course, and the name of the original proprietor; also, all in-lots and out-lots owned or held as aforesaid, with the number thereof, as described on the recorded plat of said town or part thereof, if it has been subdivided; which statement shall be made out by the person assessed, or by the assessor from information given by such person, and shall be signed by the person making it.

SEC. 7. That if the owner or owners of any property required to be listed and appraised by the preceding section of this act shall be absent or unable to give in a list thereof when called upon by the appraiser, or if the owner or owners thereof shall not reside within the county, or shall fail or refuse to deliver to such appraiser a list of his, her, or their real estate as aforesaid, it shall be the duty of such appraiser to make a list thereof according to the best information he can obtain, subject to the provisions of the eighth section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted, that the owner is unknown in the column of names; and to enable him so to do, he is hereby authorized to examine, on oath or affirmation, any person whom he may suppose to have knowledge of the amount and value of the lands which such person refuses to list as required.

SEC. 8. That the appraiser, in ascertaining or determining the

quantity of land in the several tracts within his county, shall be governed by the following rules: whenever the owner or the person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the state of Indiana, or by patent from the United States for congress lands, such deed or patent, if the quantity be therein stated, shall be taken and received as the evidence of the quantity in the tract described; but if such lands shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the appraiser that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey; if the owner or person in whose name any lands are listed within the French, or Clark's grant shall hold, under an original entry or survey with or without the patent thereon, it shall be the duty of the appraiser to require the said owners or holders to cause the same to be surveyed by the county surveyor or some other competent person, and to return the quantity under the certificate of said surveyor, attested by oath or affirmation, within sixty days after said owners or holders shall have been called upon to list their lands for taxation; and if any such owner or holder shall refuse or neglect to survey and list his lands as herein provided, or if he, she, or they be non-residents of the county, then it shall be the duty of the appraiser to cause such lands to be surveyed and returned to himself; the expense of which survey shall be paid from the county treasury, and be by the auditor of the county assessed against such lands in the succeeding year, and collected in the same manner as taxes are collected thereon: *Provided*, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the appraiser a certificate of survey other than that under the original entry of said lands, such survey shall be taken by such appraiser, as if the appraiser shall be satisfied, from other competent evidence adduced to him under oath or affirmation, that the quantity returned is correct, and that no surplus exist in the original survey, he shall enter and return the same without further survey for taxation.

SEC. 9. That the appraiser shall complete his list, taken as before provided, placing on the same, opposite to each tract of land listed, the value without improvements, and also in another column opposite, the value of the improvements erected thereon or affixed thereto, and opposite to each town lot or part of lot the value of such lot or part of lot, appraised with the buildings and all other improvements erected thereon or affixed thereto.

SEC. 10. That the appraiser shall, at the time of making the appraisement, and taking the list required by the preceding sections of this act, inform the owner or owners, his, her, or their agent or representative, if residing within the county, or shall leave a memorandum at his, her, or their place of residence, of the amount at which his, her, or their real estate has been appraised respectively, and of

the time when the board of equalization for the county will meet for the purpose of hearing and determining grievances, and to equalize taxes within the same.

SEC. 11. For the purpose of enabling the appraiser to determine the value of buildings and other improvements, he is hereby required to enter, with the consent of the owner or occupant thereof, and fully to examine all buildings and structures of whatever kind, which are not by the laws of the state expressly exempted from taxation.

SEC. 12. That each appraiser shall, on or before the first day of September, make out and deliver to the auditor of his county a return, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description, and value of all the real estate subject to be listed for taxation in his county; which return shall contain,

1st. The names, arranged in alphabetical order, of the several persons, companies, or corporations in whose names the several parcels of real estate, other than town property, in each township within his county shall have been listed, and in appropriate columns opposite each name, the description of each parcel of such real estate listed in such name, and the value of each separate parcel of such real property, as determined by the appraiser from actual view.

2d. The names, arranged in alphabetical order, of the several persons, companies, or corporations in whose names the several parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name,

The description of each parcel of real property in each town in his county; and

The value thereof, as determined by the appraiser as above specified; and such return shall distinctly set forth,

The name or names of the owner or owners of each separate parcel of real property, if known, and if unknown, that fact shall be set forth; also,

A correct and pertinent description of each separate parcel of land or real property, if a town lot or a part thereof;

The name of the town;

The number or other designation of the lot; and if a part of such lot, then,

The proportion and situation thereof; and,

The extent, in feet, along the principal street on which it shall abut.

If the parcel of real property be other than a town lot or a parcel thereof,

The number of acres;

The land district;

The range of townships;

The number of the townships;

The number of the section, tract, lot or subdivision of either, as the case may require.

If such land be situated in the French, or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract or survey included in such parcel.

SEC. 13. Each appraiser shall take and subscribe an oath, which shall be certified by the magistrate or other officer administering the same, and attached to the return which he is required to make to the county auditor, in the following form:

I, ———, appraiser for the county of ———, in the state of Indiana, do solemnly swear that the return to which this is attached, contains a correct description of each parcel of real property within said county, as far as I have been able to ascertain the same; that the value attached to each parcel in said return is, as I verily believe, the full and true cash value thereof, estimated agreeably to the rules prescribed in this act; that in no case have I knowingly omitted to demand a statement of the description and value of all the real estate which he is required by this act to list, or in any way connived at any violation or evasion of any of the requirements of said act, in relation to listing and valuing of real estate; which abstract shall be kept at the office of said county auditor for the inspection of any owner of property contained on such abstract, until the first day of September as aforesaid; and it shall be the duty of the county auditor to give four weeks' public notice, by advertisement in a newspaper, if one be published in the county, or if no newspaper be printed in the county, by advertisement set upon the door of the court house, and at some public place in each township, of the time and place, when and where the special board of equalization for each county will meet for the purpose of hearing and determining grievances, and to equalize taxes thereon.

SEC. 14. That the board doing county business, county auditor, and appraiser or appraisers of each county of this state shall constitute a special board of equalization for such county, on the first Monday of September next, and in each year thereafter when the real estate is valued, on the first Monday of June, and the county auditor shall produce to said board the abstract returned to him by the appraiser; and said board or a majority of them, shall have power to hear and determine the complaint of any owner or owners, his, her or their agent, attorney or representative of any property contained on said abstract, which may have been listed and appraised by said appraiser, relative to the listing and appraising thereof, and to correct the same as right and justice may require; and said board of equalization shall moreover have power to equalize the valuations made by such appraiser as hereinbefore provided, either by adding to or deducting from any valuation made as aforesaid, such sum as to them or a majority of them shall appear just and equitable.

SEC. 15. That the appraiser and deputy appraiser shall each be allowed, for the time they may necessarily be employed in the performance of their duties, not less than one dollar and fifty cents nor more than two dollars per day, to be determined by the board doing county business; which allowance shall be paid out of the county treasury. The said appraisers shall make out their accounts in detail, giving the date of each day which they shall have been employed; which account they shall verify under oath; and the board doing county business, if they shall find such statement to be correct, shall allow the same, but in no case shall the same be allowed until the appraiser shall have filed his list of assessments, with the statements returned to him, and the books in which the original assessments were entered, with the auditor; the list to be accurately made out and added up. And the county auditor, appraiser, and county commissioners, when acting as the members of the county board of equalization for the several counties shall receive the sum of two dollars for each day they shall respectively be employed in the discharge of the duties required of them by this act, to be paid out of the respective county treasuries.

SEC. 16. That each appraiser and deputy appraiser shall, at the end of each week in which he shall have been engaged in the performance of any of the duties required of him by law, enter an account in writing of the number of days or parts of days he may have been so engaged during the week; at some stated meeting of the board doing county business shall present such original account to said board, and shall testify under oath or affirmation to the accuracy of such statement, and shall answer such questions respecting the same as may be put to him by the board.

SEC. 17. That if any appraiser shall, by himself or deputy or deputies, be guilty of any neglect of duty which, by any law now in force or which may hereafter be enacted, it is made his duty to perform, the board doing county business may make such deduction from his account for services rendered as they may deem just and reasonable; and he shall, moreover, be subject to presentment or indictment by the grand jury of the county, and may be fined in any sum in the discretion of the jury trying the same, for the use of the proper county seminary; and it is made the duty of the judges of the circuit court to give this act in charge to the grand jury of the proper county.

SEC. 18. The appraiser shall enter in a column provided for that purpose, opposite the name of every person, company or corporation required to list his real estate, and who has refused to furnish the list required, these words, "refused to furnish a list."

SEC. 19. That each appraiser shall, at the time he is required by this act to make return of the taxable real property to the county auditor, also deliver to him all the statements of property which he shall have received from persons required to list real estate, the same arranged in alphabetical order, and said auditor shall carefully file and preserve the same.

SEC. 20. The several county auditors, in making out the duplicate of real estate, shall add one hundred per cent. to the value of all real estate of every person, company, and corporation, opposite whose name the appraiser shall have noted in his return the words "refused to furnish a list," which shall be collected by the county treasurer for the benefit of the county.

SEC. 21. If any county auditor, upon receiving the returns made by any appraiser, shall be satisfied that he has omitted any parcel of land, town lot, or part of either in his county which he was bound to return, such auditor may, if he deem it expedient, authorize and require such appraiser to proceed to correct any error or omissions which may have occurred in appraising the real estate of his county; and in such case such appraiser shall, within ten days after being so required and authorized, proceed to correct such errors and omissions, and make return thereof to the county auditor of his county; but nothing herein contained shall authorize any appraiser to reduce the amount assessed against any person in his former return; and said county auditor shall charge such person, company, or corporation with the additional amount, if any, returned by said appraiser.

SEC. 22. Each county auditor shall, from time to time, correct any errors which he may discover in the description or in the quantity of land, town lots, or any part of either, contained in his list of real property in his county.

SEC. 23. That whenever this act requires the county auditor to perform any duty, the same shall be understood and taken to mean and include, in those counties where they have no county auditor, the clerk or other person that performs the duty of county auditor.

SEC. 24. That the several county auditors in this state shall, on or before the first day of March next, and in each succeeding year, when the real estate is appraised on or before the first day of January, cause to be printed at the expense of the county, a sufficient number of the blank lists, forms, and instructions required by this act, or by the auditor of state, and shall deliver the same to the appraiser.

SEC. 25. That the auditor of state shall, immediately after the passage of this act, prepare and transmit to the several county auditors, all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

SEC. 26. That the boards of equalization for the several counties in this state shall meet on the first Monday of September next, instead of the first Monday of June, and the boards doing county business in the several counties in this state, shall not assess the taxes for county, school, and road purposes, until the September term of said board, 1851.

SEC. 27. That the appraisement of the real estate made in pursuance of the provisions of this act, shall stand for the term of five years, and shall be the amount upon which the taxes shall be assessed.

SEC. 28. That this act shall take effect and be in force from and after its passage and publication in the State Journal, Indiana State

Sentinel, and the Statesman; and it is hereby made the imperative duty of the secretary of state, immediately after the passage of this act, to send a certified copy of the same to the several county auditors; and all laws and parts of laws that contravene any of the provisions of this act be and the same are hereby repealed.

CHAPTER VI.

AN ACT making General Appropriations for the year 1851.

[APPROVED FEBRUARY 13, 1851.]

SECTION	SECTION
1. Appropriations for expenses of state government.	3. Revenue for benevolent institutions to be expended under the respective laws on those subjects.
2. Appropriations to meet amounts heretofore overdrawn.	

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That for the purpose of meeting the expenses of the state government for the year 1851, the following sums are hereby appropriated, to-wit: For the General Assembly thirty-one thousand dollars; for the judiciary seventeen thousand dollars; for the executive officers six thousand five hundred dollars; for the public printing and binding seven thousand dollars; for the probate judges five thousand dollars; for specific appropriations three thousand dollars; for stationery and fuel three thousand dollars; for state prison three thousand five hundred dollars; for the distribution of the laws and journals seven hundred dollars; for expenses of the militia three hundred dollars; for the state library eight hundred dollars; for the state house five hundred dollars; for the governor's house five hundred dollars; for the transportation and preservation of the public arms one hundred dollars; for the contingent fund twelve hundred dollars.*

SEC. 2. *That the following sums be, and they are hereby appropriated to meet the amounts heretofore overdrawn, to-wit: For the General Assembly one thousand four hundred and seventy-six dollars and fifty cents; for the judiciary five hundred and seventy-three dollars and forty-eight cents; for probate judges eight hundred and sixty-one dollars; for the public printing and binding six thousand two hundred and seventy-seven dollars and seventy one cents; for the state house two hundred and eighteen dollars and forty-four cents; for the state library one hundred [and] sixteen dollars and eighty cents; for the*

militia three hundred and fourteen dollars and seventeen cents; for the governor's house two hundred [and] sixty-three dollars and eighty-four cents; for the state prison five hundred [and] eighty-one dollars and sixty-seven cents; for the distribution of the laws and journals one hundred and eighty-four dollars and twelve cents; for the transportation and preservation of public arms ninety-seven dollars and thirty-five cents; for the contingent fund one thousand six hundred [and] seven dollars and forty-two cents.

SEC. 3. That the sums respectively assessed by the revenue law of this session, for the benefit of the Indiana hospital for the insane, the asylum for the deaf and dumb, and for the education of the blind, be, and the same are hereby appropriated to be expended under the respective laws on those subjects.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER VII.

AN ACT making Specific Appropriations for the year 1851.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Secretaries and Clerks of Senate and House of Representatives, and Assistants.
2. Samuel H. Buskirk.
3. Charles P. Ferguson.
4. Door-keepers of Senate and House of Representatives, and Assistants.
5. Hardin Walker, William J. McIntosh, James Beasley, John Beasley, and Stephen Pichard.
6. J. C. Alvord.
7. James W. Spencer.
8. Samuel H. Freeman.
9. Paris C. Dunning, assignee of E. S. Howell.
10. Michael Shea.
11. Samuel H. Buskirk.
12. Chapman and Tallock.
13. Hasselman, Vinton & Co.
14. Hood and Merrill.
15. S. V. B. Noel.
16. Weaver and Williams.
17. Thalman Evans.
18. Featherston and Mayhew.
19. Joseph A. Mes-ick.
20. H. J. Platt.
21. President of the Senate.
22. Speaker of the House of Representatives.
23. Harvey Perry.
24. Ezekiel McMakin.
25. George Mayfield.
26. Lot Day.
27. John M. Stewart.
28. Ross and Ray.

SECTION

29. H. Parish.
30. Henry S. Kellogg.
31. Pierson and Cotterell.
32. E. W. H. Ellis.
33. Austin H. Brown.
34. John D. Defrees.
35. Julius Boitticher.
36. Ellis and Spann.
37. J. M. Talbott.
38. Wainwright and Brother.
39. Craighead and Browning.
40. David Reynolds.
41. George Smith.
42. John Lockhart.
43. Bernard Wide.
44. John Tarlton.
45. Lot Day.
46. Addison Elkins.
47. Secretary of State.
48. Henry S. Kellogg.
49. Oliver Tousey.
50. H. J. and B. C. Horn.
51. A. Pope and Son.
52. John H. Bradley.
53. J. W. Townleys and Company.
54. Conrad Wehrle.
55. Frederick Stucke.
56. Morrison and Allison.
57. Thomas A. Morris and A. F. Morrison.
58. James R. M. Bryant.
59. John G. Weeks.
60. Michael Riley.
61. Secretary of the Senate and Clerk of the House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and principal and assistant clerks of the House of Representatives shall each be allowed the sum of four dollars per day for every day they may have served as such during the present session; and that such assistants as may have been necessarily employed by any of the aforesaid secretaries and clerks, be allowed the sum of four dollars

for each day so employed, to be ascertained and certified by the secretary of the Senate and clerk of the House of Representatives respectively.

SEC. 2. That Samuel H. Buskirk be allowed the sum of four dollars per day for services as clerk to the committee of Ways and Means, to be ascertained and certified by the chairman of said committee.

SEC. 3. That Charles P. Ferguson be allowed the sum of four dollars per day for services as clerk to the committee on the judiciary, to be ascertained and certified by the chairman of said committee.

SEC. 4. That the door-keeper of the Senate and the door-keeper of the House of Representatives shall be allowed the sum of three dollars per day for each day they may have served as such, to be certified by the presiding officers of the respective branches of the General Assembly; and the assistant door-keepers of the Senate and House of Representatives shall each be allowed the sum of three dollars per day for every day they may have served as such, to be computed by their principals, and certified in the same manner as that of their principals.

SEC. 5. That Hardin Walker, William J. McIntosh, James Beasley, John Beasley, and Stephen Pichard be allowed the sum of two hundred dollars, the reward offered by the Governor for the arrest of Hiram Bland, who was under the sentence of death, for murder, and escaped from the Greene county jail.

SEC. 6. That J. C. Alvord be allowed the sum of one hundred dollars for services rendered as superintendent, by appointment from Gov. Whitcomb, of Northport feeder dam, in 1848 and 1849.

SEC. 7. That James W. Spencer be allowed the sum of fifteen dollars for copying the executive correspondence of Gov. Dunning in the executive Journal.

SEC. 8. That Samuel H. Freeman be allowed the sum of one hundred and eighty-two dollars and seventy-five cents for carrying a requisition from the Governor of this State to the Governor of New York, for the person of Henry Ladd, a refugee from justice.

SEC. 9. That Paris C. Dunning assignee of E. S. Howell, be allowed the sum of fifty dollars, for services rendered by the said Howell as visitor to the state prison in 1849.

SEC. 10. That Michael Shea be allowed the sum of three dollars per day for work done about the state house during the present session of the Legislature, lighting lamps at the gate and in the state house, making fires in the Governor's room, supreme court room, and rooms of state library, to be certified by the state librarian.

SEC. 11. That Samuel H. Buskirk be allowed the sum of fifty-four dollars and seventy-five cents for his services as arbitrator in the case of Patrick McGinly vs. the State.

SEC. 12. That Chapman and Tallock be allowed the sum of six dollars for putting four dozen locks on desks.

SEC. 13. That Hasselman, Vinton & Co. be allowed the sum of two dollars for a hoisting wheel for wood windlass.

SEC. 14. That Hood and Merrill be allowed the sum of twenty dollars and ninety cents for stationery furnished the present General Assembly for use of Senate.

SEC. 15. That S. V. B. Noel be allowed twenty dollars and eighty cents for candles and brooms furnished for use of Senate.

SEC. 16. That Weaver and Williams be allowed the sum of one hundred and thirty-six dollars twenty-two cents for fifty cane chairs, desks, tables, and furnishing and putting on forty-two locks for the Senate chamber.

SEC. 17. That Thalman Evans be allowed the sum of eleven dollars for candles furnished for use of the House of Representatives.

SEC. 18. That Featherston and Mayhew be allowed the sum of thirteen dollars and seventy-four cents for sundries furnished for use of Senate.

SEC. 19. That Joseph A. Messick be allowed sixty-four cents for money expended for glass tumblers for Senate.

SEC. 20. That H. J. Platt be allowed the sum of five dollars and seventeen cents for spittoons, wash-basins, tacks, &c., furnished for Senate.

SEC. 21. That ten dollars and fifty-two cents be allowed the president of the Senate for postage paid on official papers during the present session.

SEC. 22. That eight dollars and fifty-two cents be allowed the speaker of the House of Representatives for postage paid on official papers during the present session.

SEC. 23. That Harvey Perry be allowed forty dollars for attending to state house yard, &c.

SEC. 24. That Ezekiel McMakin be allowed the sum of one hundred and sixty-six dollars and twenty-five cents for carrying a requisition from the Governor of this state to the Governor of Wisconsin, for the persons of J. D. Dean and L. B. Dean, refugees from justice.

SEC. 25. That George Mayfield be allowed the sum of one hundred and five dollars, for carrying a requisition from the Governor of this state to the Governor of the state of Missouri, for the persons of Martin Conder and Joseph Cockran, refugees from justice.

SEC. 26. That Lot Day be allowed the sum of one hundred and thirteen dollars and sixty-six cents, for carrying a requisition from the Governor of this state to the Governor of the state of Wisconsin, for the person of Joseph C. Smith, a refugee from justice.

SEC. 27. That John M. Stewart be allowed the sum of twenty-nine dollars, for money by him expended in carrying a requisition from the Governor of this state to the Governor of Ohio, for the person of John Wyner, a refugee from justice.

SEC. 28. That Ross and Ray be allowed the sum of thirty-one dollars and twenty-six cents for paper, pens, and ink furnished the present Legislature.

SEC. 29. That H. Parrish be allowed the sum of one dollar and ninety-five cents for dust brushes furnished for use of door-keepers during the present session.

SEC. 30. That Henry S. Kellogg be allowed the sum of twenty cents for two papers of tacks furnished during the present session.

SEC. 31. That Pierson and Cotterell be allowed fifty cents for a wooden bucket furnished for use of House during the present session.

SEC. 32. That E. W. H. Ellis be allowed the sum of three hundred dollars for services rendered during the last year as agent of the northern division of the central canal.

SEC. 33. That Austin H. Brown be allowed the sum of four hundred and seventeen dollars for the State Sentinel furnished the members for distribution.

SEC. 34. That John D. Defrees be allowed the sum of four hundred and thirty-five dollars for the Indiana State Journal furnished the members for distribution.

SEC. 35. That Julius Boitticher be allowed the sum of one hundred and four dollars and fifty cents for the Indiana Volksblatt furnished the members for distribution.

SEC. 36. That Ellis and Spann be allowed the sum of sixty-six dollars for the Indiana Statesman furnished the members for distribution.

SEC. 37. That J. M. Talbott be allowed the sum of seventy-five dollars and forty-two cents for candles, brooms, tumblers, and sundry other articles for senate and house of representatives.

SEC. 38. That Wainwright & Brother be allowed the sum of four dollars for two tumbler drans for senate.

SEC. 39. That Craighead & Browning be allowed the sum of three dollars and ninety cents for sundries furnished for the use of the General Assembly.

SEC. 40. That David Reynolds be allowed the sum of fifty-three dollars and seventy cents for office rent, fuel, and stationery for adjutant general's office for the year 1850.

SEC. 41. That George Smith be allowed the sum of fifty dollars for damages sustained in the year 1850, by a breach in the northern division of the central canal.

SEC. 42. That John Lockhart be allowed thirty-seven dollars for carrying a requisition from the governor of this state to the governor of Kentucky for a refugee from justice.

SEC. 43. That Bernard Wide be allowed the sum of seven dollars for attending as a witness before the joint committee upon the insane hospital.

SEC. 44. That John Tarlton be allowed the sum of one dollar for attending as a witness before the joint committee on the insane hospital.

SEC. 45. That Lot Day be allowed the sum of twenty-two dollars and fifty cents for extra services as sergeant-at-arms and traveling

expenses in going to Madison to subpoena witnesses to appear before the joint committee on the insane hospital.

SEC. 46. That Addison Elkins be allowed the sum of six dollars and seventy-five cents for certain services as sergeant-at-arms in subpoenaing witnesses to appear before the joint committee on the insane hospital.

SEC. 47. That in addition to the amount now allowed by law, the secretary of state be allowed for eight enrolling clerks, for three days, at three dollars per day each, to pay for extra enrolling clerks at the present session.

SEC. 48. That Henry S. Kellogg be allowed the sum of twenty-six dollars and thirty-seven cents for stationery furnished to the present legislature.

SEC. 49. That Oliver Tousey be allowed the sum of one dollar for bags furnished for the present legislature.

SEC. 50. That H. J. & B. C. Horn be allowed the sum of one dollar and twenty cents for three sacks furnished for the use of the legislature.

SEC. 51. That A. Pope & Son be allowed the sum of twenty-five cents for four crocks for use of legislature.

SEC. 52. That John H. Bradley, for his expenses in obtaining instructions and directions from the land office department, to enable the state to realize her rights under the act of congress granting to it the swamp and overflowed lands, be allowed one hundred dollars.

SEC. 53. That J. W. Townleys & Co., for a deficit of acres in a certain tract of canal land in Allen county, sold to him by the state, be allowed thirty-nine dollars and twenty-seven cents.

SEC. 54. That Conrad Wehrle be allowed thirteen dollars and fifty cents for four and one-half days' services in cleaning and preparing state house for the legislature.

SEC. 55. That Frederick Stucke be allowed twelve dollars for similar services.

SEC. 56. That Morrison & Allison be allowed the sum of two dollars and fifty-three cents for articles furnished the house of representatives.

SEC. 57. That Thomas A. Morris and A. F. Morrison be allowed ten dollars each for services as appraisers, under the act providing for sale of the central canal.

SEC. 58. That James R. M. Bryant be allowed the sum of thirty-two dollars and fifty cents, the amount expended by him in taking depositions for the state in the suit of the state against the trustees of the Wabash and Erie canal.

SEC. 59. That John G. Weeks be allowed the sum of two dollars for services as notary public in swearing witnesses before the committee on the hospital for the insane.

SEC. 60. That the sum of forty-five dollars be, and is hereby appropriated out of the tolls of the New Albany and Vincennes turnpike road, to be paid by the superintendent of said road to Michael

Riley, late superintendent, for extra expenses incurred while he, said Riley, was superintendent, in collecting tolls upon said road.

SEC. 61. That the secretary of the senate and clerk of the house of representatives be allowed the sum of fifty dollars each, for indexing the journals of their respective houses.

SEC. 62. This act to be in force from and after its passage.

CHAPTER VIII.

AN ACT for the relief of the assignees of J. & E. L. Beard.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Appropriation to assignees.
2. Suit to be dismissed.

SECTION

3. When in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Jesse Beard, of the firm of J. & E. L. Beard, in trust, for the use and benefit of their assignees, to-wit: Daniel Mace, G. S. Orth, Luther Jewitt, Lewis W. Rumsey, R. A. Lockwood, James Mix, Edward H. Reynolds, and William Woodworth, be paid out of any money in the treasury not otherwise appropriated, the sum of eleven thousand six hundred and eighty-nine dollars and eighty-eight cents; that sum being the award made by Lucian Barbour, Esq., commissioner appointed by the governor, under an act entitled "an act for the relief of Jesse Beard and Elias L. Beard," passed the 16th February, 1848.*

SEC. 2. That the suit now pending in the Tippecanoe court of common pleas in favor of J. & E. L. Beard against the state of Indiana, be dismissed, the plaintiffs to pay all costs that have accrued.

SEC. 3. This act to be in force from and after its passage.

CHAPTER IX.

AN ACT for the more effectual, just, and equal Assessment and Valuation of the personal property, moneys, rights, credits, effects, and corporation stock in the State of Indiana.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Assessor shall leave notice and blank with persons required to list property, and receive statement from such persons.
2. Statement, by whom made out and signed, and what it shall set forth.
3. Penalty for refusing to give list of taxable property, or for fixing fraudulent value thereon.
4. Duties and powers of assessor in cases of refusal to deliver statement.
5. Assessor shall annually make out and deliver return to county auditor.
6. Oath of assessor.
7. Duty of assessor when persons refuse to furnish list, or refuse to swear to list.
8. Assessor shall deliver statements to county auditor, who shall preserve the same.
9. Merchants, persons held to be, shall deliver to assessor statement of value of property appertaining to their business—criterion in estimating the value thereof—relating to consignees—meaning of the word "person" in certain cases.
10. Manufacturers, persons held to be—shall deliver statement to assessor—criterion in determining the value of articles manufactured.
11. Duty of manufacturers, and persons owning manufacturing establishments.
12. Persons commencing merchandising after the first day of June shall make report to county au-

SECTION

- ditor, and pay into treasury a certain sum—duty of county auditor.
13. County auditor may appoint person to notify merchants, in certain cases.
14. Merchants failing to report to county auditor, after notice, shall forfeit and pay a certain sum to the State.
15. Persons liable to list property shall furnish assessor with list of corporation stocks, bonds, obligations, certificates of deposit, &c.
16. Duty of incorporated companies.
17. Duty of county auditor, in certain cases—incorporated companies shall pay taxes, &c., to county treasurer.
18. Certain incorporated companies shall furnish to county auditor a written statement—specifications of statements to be given under oath.
19. Auditor shall enter name of company upon tax duplicate, with value of capital stock—county treasurer shall collect tax.
20. Duty of county auditor on failure of company to furnish statement.
21. Penalty for refusing to furnish statement.
22. Tax on certain incorporated companies, how divided.
23. Law governing county auditors and treasurers—penalty for neglect—duty of prosecuting attorney.
24. Personal property shall be valued at its true cash value.
25. Penalty for false swearing.
26. Assessor shall give notice of time

- SECTION
of meeting of board of equalization.
27. Duty of boards doing county business.
28. Poll tax assessed.
29. Property subject to taxation.
30. Meaning of "real estate," and "land and real property."
31. "Personal estate," and "personal property" defined.
32. Persons and property exempt from taxation.
33. Duty of county auditor when persons refuse to furnish list, or refuse to swear to list.
34. Auditor of State shall prepare forms and instructions.
35. Duties of auditors, treasurers, assessors, and county boards.

- SECTION
36. Meaning of the term "county auditor," in certain cases.
37. Auditors may require assessors to correct errors.
38. County auditors shall annually furnish blank lists, forms, and instructions.
39. This act, when in force—Secretary of State shall send copies to county auditors.
40. Repealing clause.
41. Assessors shall take list of real estate, and improvements.
42. Valuation of real property shall be corrected by county auditor, in certain cases.
43. Laws governing county and township assessors—repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That each assessor shall, between the first day of March next, and the first day of June next, and in each succeeding year thereafter, between the first day of January and the first day of May, leave with each person required to list property for taxation, the notice and blank list required by this act, and the assessor shall, at the time he calls to leave such notice and blank list, receive from such person the statement required by the succeeding section, of his, her, or their moneys, rights, credits, and corporation stock, unless such person shall require further time to make out such statement; in which case he shall give such person such further time as he may deem necessary: *Provided, however,* Such further time shall not extend beyond the first day of June.

SEC. 2. That the statement required in the preceding section shall be made out by the person assessed, or by the assessor, upon information given by such person, and shall be signed by the person making it, and the said statement shall truly and distinctly set forth,

1st. Money on hand, or on deposit, or at interest, either within or without this state, more than such person pays interest for.

2d. The value of all solvent demands against any person or body corporate either within or without this state, more than such person or body corporate may be indebted.

3d. The value of all ships and steamboats, whether within or without this state.

4th. The value of all personal property appertaining to merchandising.

5th. The value of all personal property appertaining to manufacturing, or appertaining to, or held for any other purpose.

6th. The amount and value of all corporation stock, state and

United States stocks, whether within or without this state, held and owned by persons residents of this state.

SEC. 3. If any person, when legally required by the assessor, shall refuse to give a list of his capital, money, or other taxable property contemplated by the provisions of this act, or shall fraudulently or intentionally omit to give any part of his capital or property liable to taxation, and required by law to be assessed and listed, or shall fix a fraudulent value thereon, every person so offending shall, upon conviction thereof in any court having competent jurisdiction, be fined in any sum not exceeding one thousand dollars: *Provided, however,* That every person liable to be assessed under the provisions of this act shall, at the time of delivering the statement provided in the first section of this act to the assessor, also furnish a written or printed statement, truly and distinctly setting forth,

1st. The amount of money, bank notes, or other circulating medium on hand or at interest.

2d. The kind and amount of stocks owned or held by such person.

3d. The probable amount and value of all debts outstanding, over and above the indebtedness of such person.

4th. The value and amount of stock in trade, which statement in this proviso mentioned, shall be signed by the person making the same, and the assessor shall require of such person to take and subscribe an oath or affirmation on such statement, that to the best of his, her, or their knowledge, information, or belief, the said statement contains a true, full, and fair list of the amount of his, her, or their moneys, bank notes, or other circulating medium on hand or at interest; the kind and amount of stocks owned or held by such person, the probable amount and value of all debts outstanding, over and above the indebtedness of such person, and the value and amount of stock in trade, and that the same have been valued at their true cash value, as he, she, or they verily believe; which oath or affirmation may be administered by the said assessor or his deputy, who are hereby authorized to administer all oaths or affirmations that may be required in the performance of any of the duties of their office, or by the county auditor, or by any other person authorized by law to administer oaths.

SEC. 4. In every case where any person shall refuse to make out and deliver to the assessor a statement as above required, the assessor shall in every case proceed to ascertain the description of the several articles of personal property required by this act, the value thereof, the value of personal property subject to taxation, other than enumerated articles, and the value of moneys and credits of which a statement shall have been withheld as aforesaid, as the case may require; and to enable him to do so, he is hereby authorized and required to examine, on oath or affirmation, any person whom he may suppose to have knowledge of the description and value of the moneys and credits which the person refuses to list as required; and if the owner of any property liable to taxation shall be unknown, or a non-resident,

or absent, or unable from sickness to give in a list as required by this act, it shall be the duty of such assessor to make a list thereof from the best information he can obtain; and to enable him so to do, he is hereby authorized to examine, on oath or affirmation, any person, as hereinbefore in this section is provided; and if the owner of any such property shall deliver to the assessor, by the first day of June, a correct list of his property, in manner and in form as required by this act, the assessor shall receive the same and correct his list thereby.

SEC. 5. Each assessor shall, on or before the first Monday of June, annually, make out and deliver to the auditor of his county, in tabular form and alphabetical order, the names of the several persons, companies and corporations in whose names personal property, moneys, credits, or corporation stock shall have been listed in his county, and in one column opposite each name, the aggregate value of all articles of personal property of whatever kind enumerated in the fifteenth section, other than corporation stock, as well as the value of non-enumerated articles of personal property, and in another column the value of corporation stock.

SEC. 6. Each county assessor shall take an oath or affirmation, which shall be certified by the magistrate or other officer administering the same, and attached to the return which he is required to make to the county auditor, in the following form: I, _____, assessor for _____ county, in the state of Indiana, do solemnly swear, or affirm, that the value of all personal property, moneys, and credits, of which a statement has been made and attested by oath or affirmation of the person required by this act to list the same, is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the amount and value of personal property, moneys and credits of any person, company, or corporation, I have diligently and by the best means in my power, endeavored to ascertain the true amount and value of such personal property, moneys, credits, and corporation stock; and that, as I verily believe, the full value thereof, estimated by the rules prescribed by law, is set forth in the annexed return; that in no case have I knowingly omitted to demand a statement of the description and value of personal property, or of the amount of moneys and credits, or of the amount of corporation stock which he is required by this act to list, or in any way connived at any violation or evasion of any of the requirements of said act in relation to listing or valuing of personal property, moneys, credits, and corporation stock of any kind for taxation.

SEC. 7. The assessor shall enter in a column provided for that purpose, opposite the name of every person, company or corporation required to list property, and who has refused to furnish the list as required, or who has refused to swear to the same, the words, "refused to furnish a list," or these words, "refused to swear to list."

SEC. 8. Each assessor shall, at the time he is required by this act to make return of the taxable property to the county auditor, also deliver to him all the statements of property which he shall have re-

ceived from persons required to list property, the same arranged in alphabetical order, and the auditor shall carefully file and preserve the same.

SEC. 9. Every person that shall own, or have in his possession, or subject to his control, any personal property within this state, with authority to sell the same, which shall have been purchased either in or out of this state, with a view of being sold at an advanced price or profit, or which shall have been consigned to him from any place out of this state for the purpose of being sold at any place within this state, shall be held to be a merchant, and at all times when he shall be by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state and attest, on oath or affirmation, the value of such property appertaining to his business of a merchant; and in estimating the value thereof, he shall take as a criterion the average value of such articles of personal property which he shall have had from time to time in his possession or subject to his control during the year next previous to the time of making such statement, if so long he shall have been engaged in business, and if not, then during such time as he shall have been so engaged; and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the next preceding year in which the person making such statement shall have been engaged in business; adding together such amounts, and dividing the aggregate amount thereof by the number of months that the person making such statement may have been in business during the preceding year: *Provided*, That no consignee shall be required to list for taxation the value of any property, the product of this state, which shall have been consigned for sale or otherwise from any place within this state, nor the value of any property consigned to him from any other place for sole purpose of being stored or forwarded: *Provided*, He shall in either case have no interest in such property, or any benefit to be derived from its sale; and the word person, as used in this and the two succeeding sections, shall be held to mean and include "firm," "company," and "corporation."

SEC. 10. Every person who shall purchase, receive, or hold personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making a gain or profit by so doing, shall be held to be a manufacturer, and he shall, at all times when by this act he is required to make and deliver to the assessor a statement of the amount or value of his other personal property subject to taxation, also state the average value estimated as provided in the preceding section, of all articles purchased, received, or otherwise held for the purpose of being used in whole or in part in any process or operation of manufacturing, combining, rectifying, or refining, which, from time to time, he shall have had on hand during the year next previous to the time of making such statement, if so long he shall have been engaged in such manu-

facturing business, and if not, then during the time he shall have been so engaged; which statement he shall attest on oath or affirmation; but in determining the value of all articles manufactured by him, and which shall remain on hand unsold, the cost of the materials entering into their combination, or of which they were made, with the cost of the materials used or consumed in the process of manufacturing, combining, rectifying, or refining, shall be taken as the criterion of their value for the purposes of taxation.

SEC. 11. Every person owning a manufacturing establishment of any kind, and every manufacturer shall list as part of his personal property the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing, (except such fixtures as shall have been considered as part of any parcel or parcels of real property,) including all tools and implements of every kind used or designed to be used for the purposes aforesaid.

SEC. 12. That when any person shall commence merchandising in any county, after the first day of June, and the average value of whose personal property employed in merchandising shall not be entered on the assessor's list for taxation, such person shall report, under oath or affirmation, to the auditor of such county, the probable amount of the average value of the personal property by him intended to be employed in merchandizing until the first day of January thereafter, and shall pay into the treasury a sum which shall bear the same proportion to the levy for all purposes, on the average value so employed, as the time from the day on which he shall commence merchandising, as aforesaid, to the first of January next succeeding shall bear to one year; and the said auditor shall enter the name of such person on the duplicate, assess taxes on the amount reported, and shall direct the county treasurer to collect the same as other taxes are done.

SEC. 13. That the auditor of each county in this state shall, if he deem it necessary, have the power to appoint a competent person in his county to notify all such persons who shall commence merchandising after the first day of June, and the average value of whose personal property employed in merchandising shall not be entered on the assessor's list for taxation, to report themselves to the county auditor for the purpose contemplated by the preceding section, and such person so appointed shall receive such compensation as the auditor shall deem just and reasonable, subject to the approval of the board doing county business.

SEC. 14. That if any person shall commence merchandising as aforesaid, and shall not, within one month after being notified, report to the county auditor, and make payment to the county treasurer in the manner and by the time required of all persons, he shall forfeit and pay to the state of Indiana, and the proper county, the sum of fifty per cent, on the value of personal property by him employed in merchandising, to be ascertained as near as may be by the testimony

of witnesses, and recovered by an action of debt in the name of the county treasurer, for the use of the state and county, before any justice of the peace or court having jurisdiction thereof.

SEC. 15. That it shall be the duty of each and every person liable to list property in this state to furnish the assessor of the county in which he may reside, under the head of "money at interest either within or without this state," in the blank list required by this act, a list of all stocks which he may hold in any corporation without this state, and the value thereof: also, all bonds due and owing to him or any one for his use, against any corporation, state, or government, and their value: also, all the stock which he may have in any railroad, plank road, turnpike road, canal, or bridge companies in this state, and their value: and also, all bonds, obligations or certificates of deposit which he may hold against any corporation in this state, and their value.

SEC. 16. It shall be the duty of every railroad, plank road, turnpike road, canal, and bridge company in this state, to furnish to the auditor of the county where their principal office is situated, a list of all the stock in said company owned by persons not residents of this state, and its value attested by the oath of the president or secretary of said company. And if any railroad company shall not have in this state its principal office for the transaction of its financial business, it shall be the duty of the president, cashier, secretary, treasurer, engineer, or constructing agent of such company, to furnish to the auditor of the county where the said road first enters the state, a statement, under the oath or affirmation of the officer making it, specifying the amount and value of all real estate owned by such company in this state, the amount expended in the construction of said road in the line of this state, and the amount invested in machinery and rolling stock of every kind, which said machinery and rolling stock shall be assessed for taxation in proportion as the length of the road in this state bears to the length of the time of said completed.

SEC. 17. It shall be the duty of the said auditor to enter the name of such company upon the tax duplicate, with the amount and value of such stock, and assess thereon for state, county, school, and road taxes according to the amount of taxes fixed for said purposes for that year; and the said president or other proper officer of any company shall pay to the treasurer of the proper county the taxes so assessed as aforesaid on said stock, together with all damages, interest, and costs that may be due thereon.

SEC. 18. It shall be the duty of every incorporated company in this state, except railroads, plank roads, turnpike roads, canals, and bridge companies, to furnish to the auditor of the county where their principal office is situated, a written statement specifying,

1st. The real estate, if any, owned by such company, the township and county in which it is situated, and the cash value thereof.

2d. The capital stock actually paid in and secured to be paid in, and the cash value thereof.

3d. The amount of stock held by the state or any incorporated literary or charitable institution.

4th. The town or place in which the principal office or place of transacting the financial business of said company is situated; which statement shall be signed by the officer making it, and shall be certified under oath or affirmation of the president or other officer making it, on said statement, to be in all respects just and true.

SEC. 19. The said auditor shall enter the name of such company upon the tax duplicate, together with the amount and value of the capital stock of said company, and direct the county treasurer of said county to collect the tax on the same according to law; and the said president, or other proper officer, shall pay to the treasurer of said county the amount of taxes assessed as aforesaid, together with all damages, interest, and costs that may be due and owing.

SEC. 20. If any of the said companies shall fail or refuse to furnish the statement above required by the first day of June, the said county auditor shall proceed to make out the said list from the best information he can obtain, and in doing so he shall be governed by the sixteenth section of this act, so far as the same may be applicable.

SEC. 21. If the statement above required shall not be furnished by the first day of June, the company neglecting or refusing to furnish such statement, shall forfeit and pay to the state of Indiana the sum of two thousand dollars, to be recovered in the name of the state of Indiana, in action of debt; and it is hereby made the duty of the said county auditor to cause suits to be commenced for the recovery of the penalties specified in this section.

SEC. 22. It shall be the duty of the treasurer of said county to ascertain the distance that the said railroads, plank roads, turnpike roads, or canals run in any other county or counties in this state, and divide the tax so collected from the stock owned by non-resident stockholders, except the state tax, after deducting his commissions for collecting the same, among said counties in proportion to the length of said roads or canals in said counties; and if any toll bridge is situated in two or more counties, the said treasurer shall divide the tax so collected from any such bridge company equally between the counties in which said bridge may be situated; and the said treasurer, upon paying over any tax to any other county, shall take the receipt of the county treasurer to whom he may pay the same, and the said receipt shall be a sufficient voucher to said treasurer in his settlement with the county auditor.

SEC. 23. The county auditor and treasurer, in collecting the taxes from any such company, shall be governed by the fifth, sixth, seventh, and eighth articles of chapter twelve of the revised statutes of 1843; and if the said auditor or treasurer, or either of them, shall fail or refuse to perform any of the duties required of them by this act, they,

and each of them, shall forfeit and pay to the state the sum of one hundred dollars for each and every such offence, to be recovered in an action of debt in the name of the state; and it is hereby made the duty of the prosecuting attorney of the proper county to cause suits to be commenced for the recovery thereof, with costs of prosecution.

SEC. 24. That in making out the list as required by this act, the person assessed or the assessor, as the case may be, shall value the personal property, moneys, rights, credits, effects, and corporation stock at their true cash value.

SEC. 25. That if any person, in taking the oath or affirmation required by this act, shall wilfully, knowingly, corruptly, and falsely swear or affirm, every such person shall be deemed guilty of perjury, and upon conviction, shall be punished as like offenders in such cases.

SEC. 26. That the assessor shall, at the time of taking said list, inform the person, company, or corporation making the same, or his, her, or their agent or representative, if residents of his county, or shall leave a memorandum at his, her, or their place of residence, of the time when the board of equalization for the county will meet for the purpose of hearing and determining grievances and to equalize taxes in the same.

SEC. 27. That if the boards doing county business in the several counties in this state, or any member thereof, shall fail, refuse, or neglect to have the maps and plats made as required in the preceding section, each member of said board shall individually and severally be liable to pay a fine of one hundred dollars upon conviction thereof, on presentment or indictment of any court of competent jurisdiction, with the costs of prosecution; and it is hereby made the imperative duty of the prosecuting attorney of the proper county, to cause prosecutions to be instituted for the recovery of said penalty.

SEC. 28. A poll tax shall be assessed upon every male inhabitant of this state between the ages of twenty-one and fifty years.

SEC. 29. All real property within this state, and all personal property owned by persons residing in this state, whether it is in or out of the state, and all personal property within this state owned by persons not residing within this state, subject to the exceptions hereinafter stated, shall be subject to taxation.

SEC. 30. The term "real estate," as used in this act, shall be considered to include all lands within this state; and all buildings and other things erected on or affixed to the same; and the terms "land and real property," wherever they occur in this act, shall be construed as having the same meaning as the terms "real estate" thus defined.

SEC. 31. The terms "personal estate" and "personal property," as used in this act, shall be construed to include all household furniture, goods, chattels, and moneys on hand or on deposit, either within or without this state, all ships and vessels, whether within or without this state, all solvent demands against any person or body corporate, whether within or without this state, more than such person or body

corporate may be indebted, all moneys at interest, whether within or without this state, more than such person pays interest for, all public stocks, stocks in railroads, plank roads, turnpike roads, canals, toll bridges, insurance companies, trust companies, savings institutions, manufacturing companies, and in all moneyed and stock corporations, whether within or without this state.

SEC. 32. The following persons and property shall be exempt from taxation:

1st. The polls of all Indians;

2d. The polls and property of all revolutionary soldiers;

3d. The real and personal property of the United States and of this state;

4th. All lands sold by the United States until the term of five years from the day of sale shall have expired;

5th. Every school house, court house, market house, and jail, and the land whereon such buildings are situate, and all county lands and buildings set apart for county purposes;

6th. All fire engines, hose, hooks, ladders, and other apparatus for the extinguishment of fires, and all engine houses, with the land on which the same may be situated, and all wharves, and all powder magazines, with the land on which the same may be situated, belonging to or owned by any incorporated town or city in this state, and held by such town or city for the use, benefit, safety, or convenience of the public;

7th. Every building erected for religious worship, and the pews and furniture within the same, and the lands whereon such building is situate, not exceeding ten acres; also, every graveyard not exceeding ten acres;

8th. Every building erected for the use of any literary, benevolent, charitable, or scientific institution, or erected for the same purpose by any town, township, or county, and the tracts of land on which such building is situate, not exceeding twenty acres; also, the personal property belonging to any institution, town, township, city, or county, and connected with, or set apart for any of the purposes aforesaid;

9th. All lands granted for the use of common schools, so long as the same shall remain unsold;

10th. The personal property and real estate of every manual labor school or college incorporated within this state, when used or occupied for the purposes for which it was incorporated, such real estate not to exceed three hundred and twenty acres;

11th. The personal property of every widow and orphan child, to the extent of two hundred dollars in value.

12th. Lands sold by the state, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed;

13th. All lands reserved to or for any individual by any treaty between the United States and any Indian tribe or nation shall be liable to taxation from the time such treaty shall have been confirmed.

SEC. 33. The several county auditors, in making out the duplicate of personal property, moneys, and credits, shall add one hundred per cent. to the value of all personal property, moneys, credits, and corporation stock of every person, company, and corporation opposite whose name the assessor shall have noted in his return the words "refused to furnish a list," or these words, "refused to swear to list," which shall be collected by the county treasurer for the benefit of the county.

SEC. 34. That the auditor of state, immediately after the passage of this act, prepare and transmit to the several county auditors all such forms and instructions as shall be necessary to carry into effect the provisions of this act.

SEC. 35. That the auditors, treasurers, and assessors of the several counties, and the board doing county business, shall in all respects, except as provided by this act, be governed by the rules and regulations contained in the several acts prescribing their duties.

SEC. 36. That whenever this act requires the county auditor to perform any duty, the same shall be understood and taken to mean and include, in those counties where they have no county auditor, the clerk or other person that performs the duty of county auditor.

SEC. 37. If any county auditor, upon receiving the returns of any county assessor, shall be satisfied that he has omitted any personal property, moneys, credits, and corporation stock in his county which he was bound to return, such auditor may, if he deem it expedient, authorize and require such assessor to proceed to correct any error or omissions which may have occurred in assessing the personal property, moneys, credits, and corporation stock of his county, and in such case such assessor shall, within ten days after being so required and authorized, proceed to correct such errors and omissions, and make return thereof to the auditor of his county; but nothing herein contained shall authorize any assessor to reduce the amount assessed against any person in his former return; and said county auditor shall charge such person with the additional amount, if any, returned by said assessor.

SEC. 38. That the several county auditors in this state shall, on or before the first day of March next, and in each succeeding year thereafter, by the first day of January, cause to be printed, at the expense of the county, a sufficient number of blank lists, forms, and instructions required by this act or by the auditor of state, and shall deliver the same to the county assessor.

SEC. 39. This act shall take effect and be in force from and after its passage and publication in the State Sentinel, the Indiana State Journal, and the Statesman; and it is hereby made the duty of the secretary of state, immediately after the passage of this act, to transmit a certified copy thereof to each of the county auditors in this state.

SEC. 40. That all laws and parts of laws that contravene any of the provisions of this act, be, and the same are hereby repealed.

SEC. 41. Each county assessor shall, annually, (except when the real estate is appraised,) at the time of taking a list of personal prop-

erty, also take a list of all real estate situate in his county that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, estimated agreeably to the rules prescribed by the laws regulating the duties of appraisers of real estate, and all new improvements, buildings, or other structures of any kind, the value of which shall not have been previously added to or included in the valuation of the land on which such improvements have been made or structures erected, and shall make return to the county auditor thereof, at the same time he is required by this act to make return of personal property, in which return he shall set forth the parcel of real property on which each of said improvements shall have been made or said structures erected, and the true value added to such parcel of real estate by the making of said improvement and the erection of such structure, and the additional sum which it is believed the land on which the improvement was made or structure erected, will sell for at private sale, in consequence thereof, shall be considered the value of such new improvement or structure; and in case of destruction by fire, flood, or otherwise, of any improvement, building, or structure of any kind which shall have been made or erected previous to the last valuation of the land on which the same shall have been, or the value of which may have been added to any former valuation of such land, the assessor shall determine, as nearly as practicable, how much less such land would sell for at private sale in consequence of such destruction, and make return thereof to the county auditor, as in this section before provided.

SEC. 42. That each county auditor shall correct the valuation of any parcel of real property on which any new improvement may have been made or new structure erected, or on which any new improvement or structure shall have been destroyed, as specified in the preceding section agreeably to the return thereof, made in accordance with the provisions of said section, by the assessor, and assess taxes for that and for each succeeding year upon such corrected valuation.

SEC. 43. That the county and township assessors now elected or appointed shall be governed, in the discharge of the duties of their office, by the provisions of this act, and all other laws and parts of laws that are not repealed by this act, and all laws and parts of laws that come in conflict with any of the provisions of this act, be and the same are hereby repealed.

CHAPTER X.

AN ACT to repeal an act giving further time to Assessors, approved January 15, 1844, and all laws contravening the provisions of section 28, of chapter 12, of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Act of January 15, 1844, repealed.
2. Section 28, chapter 12, article 3, part I, of Revised Statutes of 1843, re-enacted.

SECTION

3. Secretary of State shall send copies of this act to county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That "an act giving further time to assessors, approved January 15, 1844," be, and the same is hereby repealed.*

SEC. 2. That all laws and parts of laws contravening the provisions of section 28, chapter 12, article 3, part I, of the revised statutes of 1843, be, and the same are hereby repealed, and said section is hereby re-enacted.

SEC. 3. This act shall take effect and be in force from and after its passage, and it shall be the duty of the secretary of state to forward a copy of this law to the auditor of each county in the state with as little delay as possible.

CHAPTER XI.

AN ACT to prevent Attorneys from doing the duties of Sheriff in the county of Tippecanoe.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Courts of Record in Tippecanoe county shall appoint Sheriff a commissioner to sell lands in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall in all cases be the duty of the courts*

of record in said county, when it is necessary that a commissioner be appointed to sell lands under a judgment, order, or decree, to appoint as such commissioner the sheriff or acting sheriff for the time being, such commissioner, unless he be a party in interest.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XII.

AN ACT to authorize the Auditor of Harrison county to make a deed therein named.

[APPROVED JANUARY 21, 1851.]

SECTION 1. Auditor of Harrison county authorised to make a deed to James Flanagan.

WHEREAS, It has been represented to this General Assembly that Thomas Rogers, late of Harrison county, deceased, in his lifetime purchased the southwest fourth of the southwest quarter of section sixteen, in township five south, and in range five east in said county, and assigned away his certificate of purchase for said lot, but neglected to acknowledge the same in the manner prescribed by the statute, which said certificate of purchase has since been assigned to James Flanagan, who is now the equitable owner of said tract of land, and has the same in possession ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Harrison county be, and he is hereby authorised and directed, upon full payment of the purchase money of said tract of land being made to the proper officer entitled by law to receive the same, to execute and deliver a deed of conveyance to the said James Flanagan, conveying to him and his heirs the fee simple in and to the said southwest fourth of the southwest quarter of section sixteen, in township five south, and in range five east, which deed when so executed shall invest the said James Flanagan and his heirs with all the estate, right and title in and to said tract of land to which the said Thomas Rogers could have been entitled by virtue of his said purchase and a payment of the purchase money.

CHAPTER XIII.

AN ACT to re-instate the office of County Auditor in the county of Johnson.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Office of county auditor re-established.
2. Qualified voters shall elect county auditor:—duties of the clerk of

SECTION

- the Johnson circuit court.
3. Clerk shall deliver books, papers, and records, to county auditor.
4. Fees and allowance of auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to abolish the office of county auditor in the county of Johnson," approved January 14th, 1846, and all acts amendatory thereof, be, and the same are hereby repealed, and all laws repealed by said act and the acts amendatory thereof as to the county of Johnson, are hereby revived, and declared to be in force in said county except as limited by this act.

SEC. 2. The qualified electors shall elect a county auditor for said county at the next general annual election, as in case of vacancy in said office; and until such auditor is elected and qualified the business of auditor in said county shall be performed as now by the clerk of the Johnson circuit court, in all things in the same manner, under the same liabilities and for the compensation provided in the act entitled "an act to abolish the office of county auditor in the county of Johnson," approved January 14th, 1846, and acts amendatory thereto.

SEC. 3. That so soon as an auditor of said county shall have been elected and qualified, the said clerk of the Johnson circuit court shall, on demand, without delay, deliver over to such auditor all books, papers, records, and things pertaining to said office of auditor.

SEC. 4. That for the performance of all the duties and services required of county auditors, the auditor of Johnson county shall be entitled to the fees allowed by law to county auditors, on trust and school funds, fees for issuing store, grocery, and other licenses, and on sales for taxes; also any sum not exceeding three hundred dollars annually, to be allowed by the county board of said county, and paid out of the treasury thereof; and such county auditor, as such, shall not be entitled to have, demand, or receive any other or more fees or allowance than those above in this section enumerated, for the performance of all the duties imposed by law.

CHAPTER XIV.

AN ACT to authorize County Auditors to appoint deputies.

[APPROVED JANUARY 28, 1851.]

SECTION 1. County Auditor may appoint deputy, who may perform all the duties pertaining to such office.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That each county auditor of this state may, by writing under his hand, appoint some suitable person as his deputy, who shall take a like oath as is required of the auditor; and whenever such auditor is unable to attend to the duties of his office, or is absent, the deputy so appointed may perform all the duties pertaining to such office, such auditor being liable in all cases for the acts of all persons who shall act as his deputies: *Provided, however,* That all appointments heretofore made be, and the same are hereby legalized.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XV.

AN ACT to legalize certain acts of County Auditors.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Seals, used by County Auditors in certain cases, legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where county auditors in this state may have used, in their official acts, seals of their own, or seals other than the seals of the board of commissioners of their respective counties, their acts shall be deemed and taken as legal, as much so as if they had in all cases used the seal of the board of commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT defining the duties of Auditor and Treasurer of the counties of DeKalb and Noble, and for other purposes.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Auditor and treasurer shall report amount of fees of their offices.
2. Kind and amount of services to be reported—reports verified by oath.
3. Duty of board of county commissioners.
4. Fees, &c., constituted a fund for payment of auditor and treasurer.
5. County board shall make annual allowance to auditor.

SECTION

6. Annual allowance to treasurer and collector.
7. Overplus of fund shall constitute part of county revenue—board may make half-yearly allowances to auditor and treasurer.
8. Concerning treasurer of DeKalb county.
9. Certain provisions of this act extended to Steuben county.
10. Fees of recorders of DeKalb and Noble counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall, after the first Monday in June next, be the duty of the county auditor and the county treasurer and collector of the counties of DeKalb and Noble, annually to report in writing to the board of county commissioners of said counties, the full and complete amount of the fees, perquisites, salaries, and per centage of their respective offices, (including the fees for managing the school and other trust funds,) and now allowed by law for the year immediately preceding their report.

SEC. 2. It shall be [the] duty of said auditor and treasurer, in their said reports, to specify particularly the kind and amount of services, together with the amount of fees, salaries, per centage, and perquisites received or due from each item of service, which said reports shall be verified by the oath or affirmation of the said auditor and treasurer respectively.

SEC. 3. It shall be the duty of said board of commissioners to cause said reports, when so made, to be entered at full length on the order book of said board, and a copy thereof certified by the clerk of said board to be posted up in some conspicuous place in the clerk's office of the circuit court of said counties.

SEC. 4. The said fees, salaries, and per centage so reported by said auditor and treasurer, shall be, and are hereby constituted a fund for the payment of said auditor, treasurer, and collector separately for their services as such officers.

SEC. 5. It shall be the duty of said board of commissioners to make an allowance to said auditor, payable out of the said fees,

salary, and per centage, &c., so reported by said auditor annually, five hundred dollars: *Provided*, The fees, salary, per centage, &c., of his said office amount to that sum; if not, then said allowance shall be for the full amount of said fees, salary, per centage, &c., which said allowance, when so made, shall be a full payment for all the services by law required of him as such auditor.

SEC. 6. It shall be the duty of said board of commissioners to make an allowance to said treasurer and collector, payable out of the fees, salary, per centage, &c., so reported by said treasurer and collector annually, four hundred dollars: *Provided*, The said fees, salary, per centage, &c., of his said office amount to that sum; if not, then said allowance shall be for the full amount of said fees, salary, per centage, &c., which said allowance, when so made, shall be a full payment for all of the services by law required of him as such treasurer and collector.

SEC. 7. The overplus of said fund, if any exists after the payment of the allowances in the fifth and sixth sections of this act specified, shall be, and the same is hereby constituted a part of the county revenue of said counties of DeKalb and Noble, subject to the same laws, rules, and regulations that now govern the collecting and disbursement of the county revenue of said counties: *Provided, however*, That such board of commissioners may, upon suggestion, accompanied by a half year report by said auditor and treasurer, or either of them, make half yearly allowances to said auditor and treasurer, or either of them, payable as specified in sections five and six of this act, for their services as such during the half year immediately preceding said report: *Provided further*, That said half yearly allowances shall in no instance exceed the compensation of said officer for one year's service as provided in this act.

SEC. 8. It shall not be necessary for the treasurer of DeKalb county to attend in the several townships for the purpose of receiving taxes as heretofore done, unless specially required so to do by the board of commissioners of DeKalb county; and if so requested, the said treasurer shall receive, as extra compensation, the sum of two dollars for each day by him spent in attendance as aforesaid.

SEC. 9. The provisions of this act in all its parts, so far forth as they relate to the office of the auditor of the counties hereinbefore named, and to their duties and compensation, are hereby also extended to and embrace the auditor of Steuben county, and the board of commissioners of said Steuben county, are hereby required to comply with the provisions of this act respecting the allowance, salary, fees, and per centage of the auditor of Steuben county in the same manner and to the same extent as by the provisions of this act is required of the boards of commissioners of the counties of Noble and DeKalb respecting the allowance, salary, fees, and per centage of their respective auditors.

SEC. 10. The recorders of the counties of DeKalb and Noble shall receive seventy-five cents for recording each and every deed,

and no more, and for recording each and every mortgage seventy-five cents, and no more.

SEC. 11. This act to take effect and be in force from and after its passage.

CHAPTER XVII.

AN ACT authorizing County Auditors to administer oaths in certain cases therein specified.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. County auditors and their deputies may administer oaths of office to assessors, supervisors, viewers of roads, inspectors of elections, fence viewers, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several county auditors and their deputies be, and they are hereby authorized to administer the oath of office to assessors, supervisors, viewers of roads, inspectors of elections, and fence viewers, whether they are elected, appointed by the board doing county business, or auditor, and to all other officers appointed by the board or auditor; and the said auditor is hereby authorized to administer to any of said officers any oath that they are required to take in the discharge of any of the duties of their offices. And the said county auditors are also authorized to swear persons to the list of property they are required to make and deliver to the assessor.

SEC. 2. That this act shall take effect and be in force from and after its passage.

CHAPTER XVIII.

AN ACT directing the Auditor of State to pay over to the Treasurers of Ripley and Greene counties certain funds therein named.

[APPROVED JANUARY 23, 1851.]

SECTION

1. Auditor of State shall ascertain amount of certain Congressional township funds, and pay the same to officers entitled to receive them.
2. Said funds shall thereafter be man-

SECTION

- aged as other township funds.
3. How borrowers of said funds may pay interest and principal.
4. County Auditor may release borrowers, on payment.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of state be directed to ascertain the amount of principal and interest of the congressional township fund belonging to town No. 10, range 13 east, in Ripley county, now in the state treasury or on loan, and to pay over the said funds or securities to the officer of said county entitled to receive the same; and that the auditor of state be directed also to ascertain the amount of principal and interest of the congressional township fund belonging to town No. 6 north, of range 5 west, in Greene county, now in the treasury or on loan, and to pay over the said funds or securities to the officer of said county of Greene entitled to receive the same.

SEC. 2. The auditor of state shall report to the auditor of said counties of Ripley and Greene respectively, the amount of said funds, and they shall thereafter be controlled and managed as other township funds.

SEC. 3. The borrowers of said funds may, as heretofore, pay the annual interest and the principal of their respective loans into the state treasury to the credit of the accounting officer of said counties respectively, to be drawn annually by them.

SEC. 4. On payment in full being made of any of such loans, the auditor of the county holding such security shall be authorised to cancel and release the same in the manner now prescribed by law.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER XIX.

AN ACT in relation to Bills of Exceptions.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Supreme Court shall determine upon the admission or rejection of evidence by Circuit Court, although cause of objection is not stated in exceptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where any bill of exception shall be or shall have been taken in any court to the ruling of such court in admitting or rejecting of any evidence offered or given on any trial in such court, it shall not be held necessary in any other court to which a record of such cause shall be taken on error or by appeal, that the ground of objection to such evidence, or the opinion of said inferior court, should appear in such bill of exception, but the superior court shall determine, upon the whole record, as to the rightfulness of admitting or extending such evidence, and decide accordingly, unless such bill of exception shall show that the party presenting the same was required, at the time of taking his exception, to state the cause of objection and refused to give it.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XX.

AN ACT authorising licensed merchants to vend Clocks.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Persons established as merchants authorised to vend clocks—provision concerning clock peddlers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who may hereafter obtain license to vend foreign merchandise and foreign and domestic groceries, and who shall actually be established as merchants and grocers, shall be permitted to vend all kinds of clocks: *Provided, however,* That all persons

who shall be engaged in peddling, or carrying about from place to place clocks for the purpose of selling the same, shall in all respects be governed by the 165th section, article XI., chapter 12, of the Revised Statutes of 1843.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXI.

AN ACT to authorise the County Commissioners of Wabash county to sell the surplus Bank Stock of said county.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Commissioners may sell surplus revenue bank stock—not to be sold below its par value.

SECTION

2. Proceeds placed in county treasury, and loaned as other trust funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the commissioners of the county of Wabash are hereby authorised to sell all the surplus revenue bank stock belonging to said county: Provided, That the same shall not be sold below its par value.*

SEC. 2. It shall be the duty of said commissioners to place the proceeds of said fund into the county treasury, and it shall be loaned and guarded in every respect as other trust funds are now by law.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXII.

AN ACT to amend an act entitled "an act to restrict the County Commissioners of Steuben county in levying a tax, to fifty cents on the one hundred dollars valuation," approved January 16, 1848.

[APPROVED JANUARY 31, 1851.]

SECTION 1. Act of January 16, 1848, amended—commissioners may assess and collect a certain amount of tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to restrict the county commissioners of Steuben county in levying a tax to fifty cents on the one hundred dollars valuation," approved January 16, 1848, be so amended that the commissioners of said county of Steuben may, if they deem it expedient so to do, assess and collect any amount of tax not to exceed seventy-five cents on the one hundred dollars valuation of property subject to taxation in said county.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXIII.

AN ACT to authorise the County Commissioners of Pike county to make an appropriation therein named.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Board may appropriate fifty dollars annually for the improvement of Patoka river.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of Pike county shall, if they deem the same expedient, appropriate the sum of fifty dollars annually for the purpose of improving that part of Patoka river lying within said county, to be expended under the direction of a supervisor to be appointed by said board.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXIV.

AN ACT to extend the powers of the Board of Commissioners of Delaware county.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Commissioners, on petition, may levy an additional road tax.

SECTION

2. Tax, how collected, and where applied.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter it is made the duty of the board of county commissioners of Delaware county, on petition from the citizens of any one or more townships in said county, to cause an additional road tax of one and one-fourth cents to be levied on each acre of land in said township or townships for road purposes.*

SEC. 2. Said tax to be collected as other taxes are collected, and applied to the roads in the districts wherein the land lies.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXV.

AN ACT to authorise the Board of Commissioners of Pike and Gibson counties to employ by the year a physician to attend on the paupers of said counties.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Commissioners may employ physician to attend on paupers.

SECTION

2. How commissioners shall be guided in making selection.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the county commissioners of Pike and Gibson counties shall be authorised to employ yearly a physician to furnish the necessary medicine and attendance for the paupers of said counties.*

SEC. 2. That in making the selection of such medical attendant said county commissioners shall be guided by the competency and qualifications of applicants, as well as the amount to be paid for such services.

SEC. 3. This act to be in from and after its passage, and its provisions extended to the county of Gibson.

CHAPTER XXVI.

AN ACT to extend the time of holding the sessions of the Board of County Commissioners of Warren county.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Board may sit six days at each term.

SECTION

2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners of the county of Warren may hold their sessions during six days of each term if the business shall require it.*

SEC. 2. All laws and parts of laws coming within the purview of this act be, and they are hereby repealed, so far as relates to the county of Warren.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXVII.

AN ACT authorising the Board of Commissioners of the county of Morgan to make additional allowances to the auditor of said county.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Commissioners may make extra allowance to auditor, not exceeding one hundred and fifty dollars

SECTION

per annum.
2. Duty of Secretary of State.

WHEREAS, The board of commissioners of the county of Morgan presented to this body their petition, setting forth, among other

things, that by an act of the general assembly of the state of Indiana, approved February 13th, 1843, they were restricted in their allowances to the auditor of their said county for the services then required of him by law, to the sum of two hundred and fifty dollars per annum, and that since the approval of the act aforesaid, divers acts of the general assembly of said state have been approved requiring additional services of said auditor without providing any compensation whatever for said services; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of the county of Morgan be, and they are hereby authorised to make such additional allowances to the auditor of their said county for any additional services required of him by law, as may seem to them right and just: *Provided,* Said extra allowances shall not exceed the sum of one hundred and fifty dollars per annum.

SEC. 2. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the secretary of state to transmit a certified copy of this act to the clerk of said county.

CHAPTER XXVIII.

AN ACT to amend sections 302, 303, and 304, of article 13, chapter 47, Revised Statutes of 1843; also, section 2, of chapter 61, on pages 1030, 1031, and 1032, of Revised Statutes of 1843, and for other purposes.

[APPROVED FEBRUARY 5, 1851.]

SECTION

1. Not necessary to make proof of legality of warrant where fugitive from justice is arrested in another county.

SECTION

2. Provisions of this act extended to warrants issued in cases of bag-tardy.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above sections are hereby so amended that hereafter it shall not be necessary for a constable or other officer having a warrant or process in his hands, as contemplated in said sections, to go before a justice in the county where any fugitive from justice may be, and make proof of the legally issuing of such process as specified in said sections; but such process issued by any justice of the peace within this state, under his hand and seal, shall be sufficient authority

to any constable or other officer to pursue such fugitive to any county within this state, and take or recapture, and convey him or her back to the proper county, to be dealt with according to law.

SEC. 2. *Be it further enacted,* That the provisions of the foregoing sections are hereby extended to all warrants issued by any justice of the peace for the apprehension of any person charged with being the father of a bastard child born or expected to be born, if the person so charged crosses from the county wherein the charge is made, it is hereby made lawful for the officer holding the warrant for his apprehension, or from whose custody such person may have escaped, to follow such person into any county of this state and arrest or recapture him, as the case may be, and take him to the county from which he may have fled or made his escape.

SEC. 3. That all laws coming in conflict with the foregoing sections, be, and the same are hereby repealed. This act to take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT to amend an act entitled "an act for the call of a convention of the people of the state of Indiana to revise, amend, or alter the Constitution of said state," approved January 18, 1850.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Secretary of state, when amended constitution is deposited in his office, shall notify Governor, who shall issue proclamation, and cause constitution to be published.
2. Vote on the adoption of the constitution, and on separate article concerning negroes and mulattoes.

SECTION

3. Tickets to be written or printed—form thereof.
4. How votes shall be counted, certified, and canvassed—when new constitution may take effect—proceedings on separate article.
5. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the secretary of state, so soon as the new or amended constitution is deposited in his office, to give notice thereof to the governor, whose duty it shall be thereupon to notify the people by proclamation of the deposit of the same; and at the same time to cause a copy thereof to be published for three

weeks successively in the Indiana State Sentinel, the Indiana State Journal, and the Statesman.

SEC. 2. There shall be a vote taken on the first Monday of August next, on the adoption or rejection of said constitution, and on the adoption or rejection of the separate article thereof, relating to the exclusion of negroes and mulattoes from this state; and for this purpose it shall be the duty of the inspectors and judges of elections in the several townships in this state, on said first Monday of August next, to open a poll, in which shall be entered all the votes given for and against the adoption of said constitution and of said separate article. Said election shall be by ballot, and shall be governed in all respects by the laws now in force in relation to general elections, so far as applicable.

SEC. 3. Those voting against the adoption of said constitution shall vote written or printed tickets in this form: "against the constitution," and those voting for its adoption shall vote written or printed tickets in this form: "for the constitution." In like manner, those voting against the separate article in relation to the exclusion of negroes and mulattoes and their colonization, shall have written or printed on his ticket these words: "no exclusion and colonization of negroes," and every voter who is in favor of adopting said article, shall have written or printed on his ticket these words: "exclusion and colonization of negroes and mulattoes."

SEC. 4. Poll books shall be kept, votes counted, and certified to the clerks of the different counties as in other elections, and the returns of the votes for and against the adoption of said constitution, and for and against said separate article, shall be made by said clerks to the secretary of state within ten days after said election, and said returns shall, within twenty days thereafter, be examined and canvassed by the auditor, treasurer, and secretary of state or any two of them, in the presence of the governor and such other person as may choose to attend, and proclamation shall be made forthwith by the governor of the result of the election. If it shall appear that a majority of all the votes polled at such election were given in favor of the adoption of said constitution, it shall then become the constitution of the state of Indiana from the first day of November, 1851; but if it shall appear that a majority of all the votes polled for or against the adoption of said constitution and said separate article, were given against the adoption of said constitution, then the same shall be and remain inoperative and void. If it shall further appear that a majority of all the votes polled for or against the adoption of said constitution and said separate article were given in favor of the article in relation to the exclusion of negroes and mulattoes and their colonization, then said article shall be and form a part of said constitution, otherwise said article shall be void.

SEC. 5. This act to be in force from and after its passage; and all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

CHAPTER XXX.

AN ACT to amend section 11, chapter 56, Revised Statutes of 1843, authorizing Coroners to pay the expenses of inquest and burial.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. How Coroner, in certain cases, shall pay expenses of inquest and burial—further duties of Coroner.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section 11, chapter 56, of revised statutes of 1843, be so amended that the coroners shall take first from the proceeds of any property found on the body of any deceased person, if any, and if there be no personal property to sell, then from the money so found on the body of any deceased person over whom an inquest shall have been held, and pay the expenses of said inquest, together with all reasonable charges for the burial of such deceased person, and pay the residue to the treasurer of the county in which such inquest has been held, to be by said treasurer applied in the manner provided in the section to which this is an amendment.*

SEC. 2. This act to be in force from and after its passage and reception in the several counties.

CHAPTER XXXI.

AN ACT relative to the taxation of costs in certain cases.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Fees paid for certified transcripts taxed as costs in favor of the successful party.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That whenever, for the purpose of the trial of any cause in the courts of this state, either party shall necessarily procure any certified transcript of the record of any suit or judicial proceeding had either in this state or any other state or territory of the United*

States, the legal fees paid for such transcript or copy, shall be taxed as costs in favor of the successful party, in the same manner as other costs are now taxed.

SEC. 2. This law shall be in force from and after its passage.

CHAPTER XXXII.

AN ACT to pay counsel in certain cases.

[APPROVED JANUARY 21, 1851.]

SECTION 1. Governor, treasurer, and auditor may, in certain cases, allow compensation to counsel—how paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the governor, treasurer, and auditor of state be, and they are hereby authorized to allow the counsel engaged on the part of the state against the trustees of the Wabash and Erie canal pending in the Montgomery circuit court, such compensation as they may think just and proper, and also allow the counsel engaged on the part of the state on the Fishli claim, pending in the Marion circuit court, such compensation as they may deem just and proper, so soon as such cases may be determined, which compensation, when so allowed, shall be audited and paid as other claims against the state.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXIII.

AN ACT in relation to the commission and punishment of crime.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. What shall be deemed arson—how punished.
2. Aiders or abettors of certain crimes

SECTION

or offences liable to the punishments and penalties inflicted upon principal offenders.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That every person who shall wilfully and maliciously attempt to burn the dwelling house, out house, stable, barn, boat, water craft, mill, mill house, distillery, still house, manufactory, mechanic's or artificer's shop, store house, building, or room occupied as a shop or office for professional business or printing office of another, or any public bridge, court house, jail, market house, church or meeting house, school house, seminary or college edifice, or building belonging thereto, or other public or private building whatever, or who shall set fire to any matter adjoining to the same, with intent to burn and injure or destroy any of the aforementioned buildings, water craft, or other property, or shall wilfully and maliciously burn or attempt to burn any stack or stacks, rick or ricks, or pen of hay, straw, fodder stalk, corn, or unthreshed grain, or any pen or pile of threshed grain or corn in the ear, shall be deemed guilty of arson, and upon conviction, be fined in any sum not exceeding five hundred dollars, and be imprisoned in the state prison at hard labor for a period not less than one year nor more than seven years.*

SEC. 2. Every person who shall be aiding or abetting in the commission of any crime or offence specified in articles numbers one and two, of the revised statutes of 1843, or who shall counsel, encourage, hire, or command, or otherwise procure such crime or offence to be committed, shall be liable and suffer the same punishment and penalties which are by law prescribed for the punishment of the principal offender, and the county in which the crime is committed shall have jurisdiction to inquire into and punish each and every person so aiding and abetting in the commission of said crime or offence as aforesaid, by the proper judicial tribunals of said county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to attach the south half of section five, township No. 3 north, of range 8 east, in the county of Jefferson, to the county of Scott.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. County boundary between Jefferson and Scott changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the south half of section five, in township number three north, of range eight east, in the county of Jefferson, be, and the same is attached to the county of Scott.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXV.

AN ACT defining the boundaries of Laporte, Porter, and Lake counties.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. Northern boundaries of certain counties defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the northern boundary of the counties of Laporte, Porter, and Lake is hereby extended to the northern line of this state. This act shall be in force from and after its passage.*

CHAPTER XXXVI.

AN ACT to amend an act entitled "an act changing the mode of doing business in the county of Crawford," approved January 18, 1850, and for other purposes.

[APPROVED JANUARY 31, 1851.]

SECTION

1. County commissioners—how elected in certain cases.
2. Provisions of this act, &c., ex-

SECTION

tended to the counties of Crawford, Dubois, and Perry—repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act changing the mode of doing business in the county of Crawford," approved January the 18th, 1850, be, and the same is hereby so amended that the voters of each commissioner's district in said county shall, at any August or the annual election subsequent to the one named in the second section of the act specified in this act, elect one commissioner for such district alone, to fill any vacancy that may hereafter occur by the expiration of the term of service or otherwise. And it shall not be lawful for any voter to vote for said commissioner that is living out of said district.*

SEC. 2. The provisions of this act and the act to which this is an amendment, so far as the same relates to the election of commissioners, be, and the same are hereby extended to the counties of Crawford, Dubois, and Perry. And all laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

CHAPTER XXXVII.

AN ACT to abolish the offices of school commissioner and county agent in Brown county.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Offices of commissioner and agent abolished.
2. Duties of commissioner transferred to treasurer—duties of agent transferred to auditor.
3. Treasurer and auditor shall execute additional bonds.

SECTION

4. Fees allowed to treasurer and auditor.
5. This act, when to take effect.
6. Repealing clause.
7. Publication of act—certified copy shall be sent to clerk of Brown county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of school commissioner and the office of county agent in the county of Brown, be, and the same are hereby abolished.

SEC. 2. The duties heretofore required by law to be performed by the school commissioner of said county, are hereby transferred to the treasurer of said county; and the duties heretofore required by law to be performed by the county agent are hereby transferred to the county auditor of said county.

SEC. 3. The county treasurer of said county of Brown shall perform all the duties heretofore required by law to be performed by the school commissioner, and the county auditor shall perform all the duties heretofore required by law to be performed by the county agent of said county, and on the taking effect of this act said treasurer and auditor shall respectively execute additional bonds, in an amount and with security to be approved by the board of commissioners of said county.

SEC. 4. Said treasurer and auditor shall each be allowed the same fees for services under this act as heretofore allowed to the school commissioner and said county agent for similar services.

SEC. 5. This act to take effect and be in force from and after the first Monday in June next.

SEC. 6. All laws conflicting with the provisions of this act are hereby repealed, so far as concerns the county of Brown.

SEC. 7. This act shall be published in the Indiana State Sentinel, and a certified copy transmitted without delay to the clerk of the circuit court of Brown county.

CHAPTER XXXVIII.

AN ACT to extend the time of the sessions of the board of commissioners of Wayne county.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. Board may sit ten days.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Wayne county are hereby authorized to continue any regular session of said board as long as the business thereof may require, not exceeding ten days.

SEC. 2. All laws or parts of laws coming in conflict with this act, be, and the same are hereby repealed, so far as the county of Wayne is concerned.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to amend chapter 7, article 1, section 2, of the revised code.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. County officers shall not become interested, as principals or securities, in any contract made by county board.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful for any member of the board of county commissioners, sheriff, or other county officer in any county in this state to become a contractor, or to take or possess an interest in any contract which such board may make in their corporate capacity in any way connected with the transaction of the public business of such county, nor shall any such county commissioner, sheriff, or other county officer become the sureties for those who become contractors in such cases, and any such county commissioner, sheriff, or other county officer who shall violate the provisions of this act, shall be indictable in the circuit court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XL.

AN ACT giving additional time to the Hancock circuit court.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Commencement of terms—may sit twelve days.
2. Writs, &c., when returnable—publication of notices, when

SECTION

- valid—duty of parties, witnesses, &c.—duty of secretary of state.
3. This act, when to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the circuit courts in the county of Hancock shall commence on the third Monday of March and September, and shall sit twelve days if the business thereof requires it.

SEC. 2. All writs, process, publications, subpoenas, recognizances, &c., made returnable in said court on the fourth Monday in March next, shall be construed to be returnable on said third Monday in March, A. D., 1851; and all notices to non-resident parties to suits pending in said court at said term, if published three weeks before said third Monday in March, shall be valid, and said suits be heard and determined as if said notices had been published for the length of time now required by law. All parties, witnesses, and all other persons concerned, shall take notice of this act, and appear accordingly. And it is hereby made the duty of the secretary of state to certify a copy of this act to the clerk of the Hancock circuit court.

SEC. 3. This act shall be in force from and after its passage and the filing of said certified copy with said clerk.

CHAPTER XLI.

AN ACT to change the time of holding the circuit courts in the thirteenth judicial circuit.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. When first terms in Ripley, Decatur and Dearborn shall commence—length of terms.
2. Courts in the thirteenth judicial circuit, when held, and length of terms—civil suits on change of

SECTION

- venue shall be last docketed.
3. Suits, &c., pending, not affected by change.
4. When to take effect—duty of secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first term of the circuit courts after the passage of this act in the counties of Ripley, Decatur, and Dearborn, shall commence as follows, to-wit: in the county of Ripley on the first Monday of April, 1851, and may sit twelve days if necessary; in the county of Decatur on the third Monday of April, and may sit eighteen days if necessary; in the county of Dearborn on the second Monday of May, and may sit four weeks and no more at that term.

SEC. 2. And from and after the close of the spring term of 1851 of the said Dearborn circuit court, as in the preceding section provided, the several terms of the circuit courts in the thirteenth judicial circuit shall be as follows, viz: in the county of Franklin on the first Mondays of February and August, except the next August term, shall be commenced on the Tuesday after the first Monday, and shall sit three weeks if the business requires; in the county of Dearborn on the fourth Mondays of August and February, and may sit four weeks at each term; in the county of Ripley on the fourth Mondays of September and March, and if its business requires may continue two weeks; in the county of Decatur on the first Mondays of October and April, after the close of the court in Ripley county, and may sit three weeks if necessary: *And it is further provided,* That when civil suits are sent to any of said courts on change of venue from other counties, they shall be the last docketed in any of said courts.

SEC. 3. That all suits, actions, pleas, and complaints of any and every sort and kind in each of said courts (of the times of meeting of which are hereby changed) shall be enforced the same as if the times for holding said courts had not been changed, and all suitors and parties shall be required to appear and answer in every particular the same as if this change had not been made.

SEC. 4. This act to take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of state to transmit a copy of this, duly authenticated, to the clerk of each of the counties of Ripley, Decatur, and Dearborn.

CHAPTER XLII.

AN ACT to amend an act entitled "an act to authorise the transfer of cases pending in the probate to the circuit court, as far as relates to Putnam county," approved January 16, 1849, and for other purposes.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. President Judge required to hold two terms a year—to hear and determine business transferred from probate court.
2. Clerk shall keep separate docket.
3. Probate business may be transacted in probate court, or circuit

SECTION

- court—duty of clerk of circuit court.
4. Judge of circuit court shall receive additional compensation—how paid.
5. Repealing clause.
6. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act be so amended as to authorize and require the president judge of the seventh judicial circuit to sit two terms in each year, of six days each, if the business so require; said terms to commence on the fourth Mondays of May and November respectively, to hear and determine all cases and to transact all business which may have been transferred to said circuit court from said probate court, in pursuance of the provisions of said act. It shall be the duty of the clerk of said court to keep a separate docket of the causes from the probate court, instead of docketing the same with the causes of the circuit court.

SEC. 3. All persons having probate business to transact in said county of Putnam, shall at their election transact the same either in the probate or circuit court of said county, and the clerk when notified thereof shall docket the same accordingly; and this provision shall be construed to extend to all business and causes which have been or may hereafter be commenced in said probate court.

SEC. 4. The president judge of the circuit court, in addition to the salary now allowed by law for his services as president judge,

shall receive such compensation, not exceeding two dollars per diem, as may be allowed by the county commissioners of said county, to be paid out of the county treasury, for his services, in pursuance to the provisions of this and the act to which this is amendatory.

SEC. 5. All acts and parts of acts contravening the provisions of this act be, and the same are hereby repealed.

SEC. 6. This act shall be in force from and after its passage, and it shall be the duty of the secretary of state, as soon as may be after its passage, to certify a copy thereof to the clerk of the Putnam circuit court.

CHAPTER XLIII.

AN ACT to change the time of holding the circuit courts in the twelfth judicial circuit.

[APPROVED JANUARY 15, 1851.]

SECTION

1. When the spring terms of circuit courts shall commence.
2. Process, when returnable.

SECTION

3. Business of the next July term of Allen circuit court.
4. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the spring term of the circuit courts in the twelfth judicial circuit, for the year 1851, shall be held as follows: The Allen circuit court shall commence on the fourth Monday of February; the Adams circuit court on the third Tuesday in March; the Wells circuit court on the fourth Tuesday in March; the Huntington circuit court on the first Tuesday in April; the Whitley circuit court on the second Tuesday in April; the Noble circuit court on the second Monday in April; the Lagrange circuit court on the third Monday in April; the Steuben circuit court on the fourth Monday of April; and the DeKalb circuit court on the first Monday in May.

SEC. 2. All process made returnable to any of the courts of the respective counties aforesaid, to the times heretofore fixed for holding the sessions thereof, shall be, and the same are hereby declared and made returnable to the first days of the terms of said court, as fixed by this act; and all persons, parties, and officers, are hereby required to take notice of the changes of the terms of said courts severally hereby made.

SEC. 3. The business of the next July term of the Allen circuit court, shall be confined to taking rules, hearing and deciding motions, and settling issues at law.

SEC. 4. It shall be the duty of the secretary of state to forward a copy of this act to each of the clerks of the circuit courts in the twelfth judicial circuit.

SEC. 5. This act to take effect and be in force from and after the filing the same in the clerks' office of the respective courts aforesaid.

CHAPTER XLIV.

AN ACT to alter the time of holding the circuit courts in certain counties in the third judicial circuit.

[APPROVED JANUARY 23, 1851.]

SECTION

1. Circuit courts, when held in Jennings, Jefferson, and Bartholomew—fall terms, when held.
2. Writs, &c., when returnable.

SECTION

3. Suits, &c., pending, how disposed of.
4. When in force.
5. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the circuit court in the county of Jennings, shall commence on the fourth Monday in February, and continue two weeks if the business thereof requires it; in the county of Jefferson on the third Monday in March, and continue until the commencement of the court in the county of Bartholomew, if the business thereof require it; in the county of Bartholomew on the third Monday in April, and continue until the commencement of the court in the county of Switzerland, if the business thereof require it. The second or fall terms of said courts in said counties shall sit as is now provided by law.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, publications, and processes whatever, which may have issued from either circuit court in said counties since the last session thereof, or which may hereafter issue previous to the commencement of said terms, shall be deemed and taken to be, and are hereby made, returnable to the first day of the first term of each of said courts respectively, to be holden by virtue of this act.

SEC. 3. All suits, actions, and other proceedings now pending, or which hereafter may be pending in said courts, shall be taken up

and acted upon at the times fixed for the holding thereof, and be disposed of in the same manner as if no alteration had been made of the times of holding said courts.

SEC. 4. That this act shall take effect from and after its passage, and shall immediately be published in the State Sentinel, and Journal, and a copy of this act shall be sent to the clerk of each of said courts.

SEC. 5. All acts contravening any of the provisions of this act are repealed.

CHAPTER XLV.

AN ACT to organize a court of common pleas in the county of Jefferson.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Style of court—election and term of judge—mayor shall serve as judge until election—seal of court.
2. Sessions of court—rules of practice.
3. Judge shall, ex-officio, be clerk—shall give bond—fees and costs.
4. Sheriff of Jefferson and marshal of Madison shall be officers of court—their compensation.
5. Jurisdiction of court—may cause grand juries to be impaneled.
6. Sheriff may summon petit juries.

SECTION

7. Election of judge—vacancy, how filled.
8. Court shall be held in Madison—concerning suits now pending in Jefferson county.
9. Court shall not be organized unless assented to by a majority of the qualified voters of Jefferson county—election, how conducted.
10. Time when this act shall go into full effect or become void.
11. Duty of secretary of state—duty of auditor of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is organized in the county of Jefferson, a court of record, to be called and styled "the court of common pleas of the county of Jefferson," to have and exercise concurrently with the circuit court the same powers and jurisdiction as are possessed by said circuit court (excepting as may herein be saved or provided) and such other powers and jurisdiction as may be conferred by law, to consist of one judge, to be elected by the qualified voters of Jefferson county, who shall serve for a period of four years, and until a successor is duly elected and qualified: *Provided,* That until the regular election of such judge, the mayor of the city of Madison shall serve as such. Said court shall have a seal, with such

device as the judge thereof may direct, which shall be entered of record.

SEC. 2. Said court shall be always open for the transaction of business, and may adopt such rules of practice, not inconsistent with the general laws of the land, for the more speedy dispatch of business, as in the opinion of the court the public interest may require.

SEC. 3. The judge of said court shall, ex-officio, be clerk of the same, and shall be allowed the same fees as are or may be allowed to the clerk of said Jefferson circuit court or justices of the peace, for like services; and he shall, as such clerk, before entering on the duties of his office, give bond and security in the penal sum of ten thousand dollars, in like manner as clerks and justices of the peace are required to do for the faithful discharge of his duties as such clerk. Besides the fees herein allowed, there shall be taxed for the use of the judge of said court the following fees, which, in addition to the foregoing, shall be the only compensation to said judge for services. That is to say, in all cases at law, except ejectment and disseizin, there shall be taxed against the unsuccessful party a fee of (three dollars) \$3. In all cases in chancery, in all cases of divorce, in all actions of ejectment and disseizin, (five dollars) \$5. In all cases of appeal from justices of the peace, and in all criminal cases, the jurisdiction of which is transferred from the circuit court, (two dollars) \$2.

SEC. 4. The sheriff of said county of Jefferson, and the marshal of the city of Madison, in said county, shall both be ex-officio ministerial officers of said court, and shall execute the process of said court according to law, and the rules of practice that may be adopted therein, and shall receive the same compensation as is now allowed by law for like services.

SEC. 5. The court hereby created shall have concurrent jurisdiction with justices of the peace in all civil and criminal cases in the county of Jefferson, and exclusive jurisdiction of all offences punishable by indictment in the circuit court, when the crime does not involve punishment in the penitentiary, and the court may try all such cases without indictment first found, if the party charged shall assent thereto. If he shall not assent, the court may, in its discretion, either commit said party to jail, or bail herein [him] according to existing laws, or also may retain him in custody, and cause a grand jury to be empaneled to investigate the case as in the circuit court. The grand jury to be summoned by the sheriff on a venire for that purpose, to be issued by the court. In case the party be committed or recognized to the circuit court, said court shall have jurisdiction of the offence in the same manner as if this act had not been passed.

SEC. 6. Whenever a petit jury shall be required to try any issue in said court, it shall be competent for the sheriff of said county, on the venire from said court, to summon the same from the bystanders and others who are now qualified by law to serve on juries.

SEC. 7. The first election of judge under this act shall be held at the general election in 1852, and the person elected shall be com-

missioned by the governor; and in case of vacancy in said office from any cause, the governor shall appoint until the next general election.

SEC. 8. Said court shall be held in the city of Madison, at such place as the judge thereof may from time to time appoint; and all pleas, suits, and prosecutions now pending in the courts of said county of Jefferson, shall be prosecuted to final termination in the same manner as if this act had not been passed.

SEC. 9. This act to be in force from and after its passage: *Provided, however,* That said court shall not be organized, nor shall any part of its powers, duties, or jurisdiction commence, or the rights, duties, powers, privileges, or jurisdiction of any other court or justice of the peace be in any manner changed, altered or affected, unless this act shall be assented to by the qualified voters of said county of Jefferson at the regular annual township election on the first Monday in April next; and for the purpose of enabling said qualified voters to assent to or reject said court, it shall be lawful for each and every such voter, at said election, to place upon his ticket the words "for the court," or "against the court." And it shall be the duty of the inspector, or one of the judges of said election, to call off the votes given for and against said court, and of the clerks of said election to keep a tally thereof, which tally paper shall be signed by said inspector and judges, and certified by said clerks and returned by said inspector, or one of said clerks, to the auditor of said county, on or before the Saturday next succeeding such election, and it shall be the duty of said auditor, on the following Monday, to compare said returns, and make out a certified statement of the aggregate number of votes given for the court and against the court, which shall be entered on the records of the board of commissioners, [and] a copy thereof published in one or more of the newspapers published in said county.

SEC. 10. If a majority of said voters shall have voted in favor of said court, then, and in that case, said court shall be organized, and all the provisions of this act shall go into full effect. But if a majority of said voters shall have voted against said court, then, and in that case, said court shall not be organized, and this act and all its provisions shall cease, expire, determine, and become absolutely void.

SEC. 11. It is hereby made the duty of the secretary of state to forward a certified copy of this act to the auditor of Jefferson county, whose duty it shall be to cause the same to be published without unnecessary delay in the Madison Weekly Courier and Madison Weekly Banner, at the expense of said county.

CHAPTER XLVI.

AN ACT to change the time of holding courts in the eighth judicial circuit.

(APPROVED JANUARY 16, 1851.)

SECTION

1. Time when courts shall commence.
2. Length of terms.
3. Persons concerned shall take notice

SECTION

- of this act—writs, &c., when returnable.
4. Repealing clause.
5. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the eighth judicial circuit in this state, shall hereafter be holden as follows, to-wit: commencing in the county of Cass, on the third Monday in February and August in each year; in the county of Miami, on the Mondays succeeding the terms in the county of Cass; in the county of Wabash on the Mondays succeeding the terms in the county of Miami; in the county of Fulton on the Mondays succeeding the terms in the county of Wabash; in the county of Pulaski on the Mondays succeeding the terms in the county of Fulton; in the county of Jasper on the Mondays succeeding the terms in the county of Pulaski; in the county of White on the Monday succeeding the terms in the county of Jasper; in the county of Carroll on the Mondays succeeding the terms in the county of White; in the county of Howard on the Mondays succeeding the terms in the county of Carroll.

SEC. 2. The courts in the counties of Cass and Carroll shall sit two weeks each at each term thereof, if the business thereof requires it. The courts in the counties of Miami and Wabash shall sit three weeks at each term thereof, if the business thereof shall require it. The courts in the counties of Fulton, Pulaski, Jasper, White, and Howard shall sit one week each at each term thereof, if the business thereof require it.

SEC. 3. All parties in court in said circuit, and all witnesses and other persons concerned shall take notice of this act; and all writs, process and notices which may have been issued or served before the taking effect of this act, in relation to matters now pending in any court in said circuit, shall be returnable to the first day of the first term of said courts, as fixed by this act; and all suits recognizances, motions, rules, and other proceedings which at the time of taking effect of this act shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, issued, or instituted.

SEC. 4. All acts or parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of state to forward to the clerk of each of the circuit courts in said circuit, a certified copy of this act without delay.

CHAPTER XLVII.

AN ACT to extend the time of holding courts in the eleventh judicial circuit.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Time of holding courts extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the circuit court in the county of Hamilton shall sit twelve days, if the business thereof shall require; the circuit court in the county of Tipton shall commence on the Monday next succeeding the circuit court in the county of Hamilton, and shall sit six days if the business thereof shall require it; the circuit court in the county of Grant shall commence on the Monday next succeeding the circuit court in the county of Tipton, and shall sit twelve days if the business thereof shall require it; the circuit court in the county of Jay shall commence on the Monday next succeeding the circuit court in the county of Grant, and shall sit six days if the business thereof shall require it; and the circuit court in the county of Blackford shall commence on the Monday next succeeding the circuit court in the county of Jay, and shall sit six days if the business thereof shall require it.

CHAPTER XLVIII.

AN ACT to repeal certain acts therein named, and for other purposes, in Allen county.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Act of January 15, 1844, and 4th section of act of December 26, 1844, repealed.

SECTION

2. Certain acts revived.
3. July term of Allen county circuit court abolished.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to regulate the practice of law in the Allen circuit court, and for other purposes," approved January 15th, 1844, and the 4th section of an act entitled "an act relative to the fall term of the circuit court in the twelfth judicial circuit, and for other purposes," approved December 26th, 1844, be, and the same are hereby repealed.*

SEC. 2. All laws suspended or repealed by the act entitled "an act to regulate the practice of law in the Allen circuit court, and for other purposes," approved January 15th, 1844, be, and the same are hereby revived and declared in full force in the said county of Allen.

SEC. 3. The July term of the circuit court in Allen county, be, and the same is hereby abolished.

SEC. 4. This act to take effect and be in force from and after its passage and being filed in the office of the clerk of the circuit court of Allen county.

CHAPTER XLIX

AN ACT extending the provisions of an act therein named to Randolph county, in the eleventh judicial circuit.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. Certain provisions of an act of January 19, 1846, extended to Randolph county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the provisions of an act entitled "an act extending the time of holding courts in the sixth judicial circuit," approved January 19, 1846, be, and the same is hereby extended to Randolph county in the eleventh judicial circuit.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER L.

AN ACT to amend an act entitled "an act creating the Marion court of common pleas," approved January 4, 1849.

[APPROVED FEBRUARY 7, 1851.]

SECTION

1. Court may remain in session so long as business shall require.
2. Secretary of State may furnish court with certain laws.

SECTION

3. Suits at common law may be determined at chancery terms—such terms limited to four weeks.
4. Judge may take depositions, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of the 13th section of the act approved January 4th, 1849, as provides that the said court shall remain in session at the regular terms thereof for four weeks, be, and the same is hereby repealed, and said court is hereby authorized and empowered, at the regular terms thereof, to remain in session so long as the business before said court shall require.*

SEC. 2. That the secretary of state be, and he is hereby authorized to furnish to the clerk of said Marion court of common pleas for the use thereof, one copy of the laws of the state, and one set of

Blackford's Reports, and hereafter to furnish to the clerk of said court one copy of the laws of this state passed at each session of the general assembly, and one copy of the reported decisions of the supreme court of this state, as the same may hereafter be published.

SEC. 3. That whenever a chancery term of said Marion court of common pleas shall be held, it shall be lawful for said court at such chancery term thereof, to hear and determine any cause of the common law side thereof which shall have been continued at the term of said court next preceding such chancery term, if the parties to such cause shall so agree: *Provided*, That chancery causes shall have precedence of such common law causes at such term, and if a jury be demanded by either party to said cause, the same shall be a jury of talesmen, and such chancery term shall not remain in session over four weeks.

SEC. 4. The judge of said court is hereby authorized and empowered to take depositions to be used in any suit pending in said court, or in any other court, in the same manner as justices of the peace, commissioners, and other officers within the county of Marion are authorized by law to take the same, and to authenticate said deposition by the seal of said court.

SEC. 5. This act shall be deemed a public act, and shall be in force from and after its passage.

CHAPTER LI.

AN ACT to amend an act entitled "an act to extend the term of the probate court of the county of Monroe, and for other purposes," approved January 21, 1850.

[APPROVED JANUARY 31, 1851.]

SECTION 1. Probate court of Monroe shall not sit more than one week, except at the first regular term in each year.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of the above recited act, be, and the same hereby is so amended as that the probate court of said county of Monroe shall not sit more than one week at any term thereof, except at the first regular term in each and every year, at which term said court may sit two weeks, if the business should so long require.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LII.

AN ACT to amend an act regulating the time of holding probate courts in the county of Tipton.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. When probate court shall be held in Tipton.

SECTION

2. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate court in the county of Tipton shall be held on the first Monday of February, May, August, and November, in lieu of the second Mondays: *Provided*, That nothing herein contained shall in any wise affect the holding of the next term of the Tipton probate court.

SEC. 2. This act shall be in force from and after its passage and publication in the Indiana State Sentinel and Journal; and it is hereby made the duty of the secretary of state to transmit a certified copy of the same to the clerk of the Tipton circuit court.

CHAPTER LIII.

AN ACT to change the time of holding the February term of the Crawford probate court.

[APPROVED JANUARY 25, 1851.]

SECTION

1. When February term of Crawford probate court shall commence.
2. How suits, &c., now pending shall

SECTION

be conducted.
3. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the February term of the Crawford probate court shall hereafter commence on the third Monday in February, instead of the first Monday in said month.

SEC. 2. All suits, and matters of whatever kind, that are now or may be pending in said court, and returnable to the February term thereof, shall be conducted in all respects in conformity to the provisions of the first section of this act.

SEC. 3. This act shall be in force from and after its passage and publication in the Indiana State Sentinel, and Journal; and the secretary of state shall forthwith forward a copy of this act to the clerk of the Crawford circuit court.

CHAPTER LIV.

AN ACT to extend the terms of the February and May terms of the Laporte probate court.

(APPROVED JANUARY 21, 1851.)

SECTION

1. February and May terms of Laporte probate court extended.

SECTION

2. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of Laporte county shall have power to hold its February and May terms each two weeks, if the business of the same shall require it.

SEC. 2. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the secretary of state to forward a certified copy of this act to the circuit court of Laporte county.

CHAPTER LV.

AN ACT extending the time of holding the probate court in the county of Carroll.

[APPROVED JANUARY 23, 1851.]

SECTION 1. Terms of Carroll probate court extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of the county of Carroll shall be allowed to sit two weeks if the business require it.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LVI.

AN ACT in relation to the January term, A. D., 1851, of the probate court of Martin county.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Probate court of Martin county, during its January term of 1851, may adjourn to the fourth Mon-

SECTION

day of February, 1851—provisions in cases of such adjournment.
2. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the probate court of Martin county, at its January term, A. D., 1851, after sitting for any length of time not exceeding three days, to adjourn said term of said court until the fourth Monday of February, A. D., 1851, then next ensuing, and in case said court shall so adjourn, it shall be lawful for said court to convene on said fourth Monday in February, and to proceed with and complete the remainder of the business of said January term undisposed of at the time of said adjournment; and said court, when so convened as last aforesaid, shall be considered and denominated a continuance of, and a part of the said January term of said court, and all orders, judgments, and decrees of said court shall be

as valid and effectual in the premises as if made during the time of the regular sittings of said courts: *Provided*, That said court shall not continue in session exceeding six days including the time it remained in session at its regular meeting in January: *And provided further*, That it shall be discretionary with said court whether it will adjourn as above provided or not, and if it shall not so adjourn, then it shall proceed with its business at its regular meeting in January in the same manner as heretofore provided by law.

SEC. 2. This act shall be deemed a public act, and shall be in force from and after its passage. And it is hereby made the duty of the secretary of state to forward a certified copy of this act to the clerk of the Martin circuit court.

CHAPTER LVII.

AN ACT to change the time of holding the probate courts in the county of Vermillion.

[APPROVED JANUARY 28, 1851.]

SECTION

1. Vermillion probate courts, when held—length of terms.
2. Parties interested shall notice this

SECTION

- act—writs, &c.; pending, when returnable.
3. Repealing clause.
4. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate courts of the county of Vermillion shall be held on the third Mondays of February, May, August, and November, and shall sit six days at each term, if the business require it.

SEC. 2. All parties, witnesses, and other persons interested in any of the suits or proceedings in said court, shall take notice of this act, and all writs, notices, processes, and proceedings pending in said court are hereby declared to have the same force and effect as if made returnable at, and according to the time fixed by this act.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage. And the secretary of state is hereby required forthwith to transmit a duly certified copy of this act to the clerk of said probate court

CHAPTER LVIII.

AN ACT to repeal an act therein named.

[APPROVED JANUARY 23, 1851.]

SECTION

1. Certain act relating to probate courts in Dearborn county, repealed.

SECTION

2. Certain laws revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to change the time of holding the probate courts in Dearborn county," passed at the last general assembly, be, and the same is hereby repealed.

SEC. 2. All laws and parts of laws repealed by the aforesaid recited act are hereby resuscitated, and are in full force.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LIX.

AN ACT to change the time of holding probate courts in the county of Jasper.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Probate courts in Jasper shall sit in March, June, September, and December.

SECTION

2. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court in the county of Jasper shall hereafter be holden on the second Mondays in March, June, September, and December, instead of the second Mondays of February, May, August, and November, as provided by section 40, chapter 39, revised statutes 1843, and shall sit six days, if the business shall require it.

SEC. 2. This act to be in force from and after its passage; and the secretary of state shall forthwith forward a copy of this act to the clerk of the circuit court of said county.

CHAPTER LX.

AN ACT to change the time of holding the February term of the probate court of Elkhart county for the year 1851.

[APPROVED JANUARY 31, 1851.]

SECTION 1. When February term, of 1851, shall commence—when writs, &c., shall be returnable—suits pending, how determined.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of holding the February term of the probate court of Elkhart county, for the year 1851, be, and the same is hereby so changed that the said term shall be commenced on Monday the 24th day of February, in the year aforesaid, and may be continued for the length of time allowed by law, and all writs, citations, notices, or process of whatsoever kind, which have been or may hereafter be made returnable to the said February term, or any day thereof, shall be taken and construed to be returnable to the said 24th day of February; and all suits, complaints, and proceedings of every kind and nature which are now pending, or may hereafter be commenced in said court may be as fully heard and determined at the term as fixed by this act as though the same were heard and determined at any regular term of said court.

SEC. 2. This act shall be in force from and after its publication in the Goshen Democrat.

CHAPTER LXI.

AN ACT to extend the February and October terms of the Marion probate court.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Marion probate court may sit three weeks at February and October terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of Marion county be authorized to sit three weeks at the February and October terms of said court, if the business thereof may require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXII.

AN ACT to change the next February term of the probate court of Hamilton county.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. When next term of Hamilton probate court shall commence.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the next term of the Hamilton probate court shall commence on the second Monday in March next, and continue for six days, if the business thereof shall require it: *Provided, however,* That this act shall not be so construed as to make any change of any other term of said court but the term herein mentioned.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LXIII.

AN ACT to amend section 2 of an act entitled "an act to amend the laws relating to the execution of deeds by order of the probate court," approved January 15, 1849.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. How deeds may be executed by order of probate court, in certain cases.

SECTION

2. Provisions extended to cases where there are several purchasers, assignees, or vendees.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of an act entitled "an act to amend the laws relating to the execution of deeds by order of the probate court," approved January 15, 1849, be so amended that when any sale of real estate shall be made, or may have been made, by virtue of the order of any probate court of this state, and shall be or may have been confirmed by the court ordering such sale, it shall be lawful for said court, either when the lands so sold lie within or without

the county in which said court may be held, upon payment of the purchase money, and upon motion in said court by said purchaser, or his authorized agent or attorney, or upon a written assignment, transfer, or relinquishment of said sale, duly executed by or on behalf of said purchaser to some person therein named, being filed in said court and acknowledged in due form, or the execution thereof duly proven, to order the deed of conveyance which has to be made in consequence of said sale, to be made to any person who may be the assignee or vendee of said purchaser, to whom said purchaser may be bound to make or may be desirous of making a title to said real estate, and any deed of conveyance made in pursuance of an order of said court as lastly herein mentioned to the vendee or assignee of any purchaser as aforesaid, briefly reciting the facts of the case in the usual form, shall be as valid and effectual as if the same had been made to said original purchaser.

SEC. 2. The provisions of this act shall extend to cases where there are several purchasers, assignees, or vendees of real estate as aforesaid, so far as the same are applicable.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LXIV.

AN ACT to change the time of holding the probate court in the county of Grant.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. When probate court of Grant county shall commence its sessions.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That* the probate court of Grant county shall commence its sessions on the second Mondays in February, May, August, and November, instead of the third Mondays in May and November and the second Mondays in February and August, as heretofore.

SEC. 2. This law to be in force from and after its passage.

CHAPTER LXV.

AN ACT to enable persons sustaining damages occasioned by the construction of the Wabash and Erie Canal to have their damages assessed without further delay, and for the more convenient service of process on the trustees of said canal.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Claimant for damages may, in certain cases, file copy of claim in circuit court—clerk shall issue summons directed to board of trustees—trustees required to answer—when cause shall stand for trial—provisions concerning trial and judgment.

SECTION

2. Service of summons on board of trustees.
3. This act, how construed.
4. What shall be good service of process, in actions against board of trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That* whenever any person shall file, or shall have filed, with the board of trustees of the Wabash and Erie canal, his or her claim and petition for damages occasioned by the construction of the Wabash and Erie canal, or for timber and materials taken for its construction, and the trustees of said canal shall neglect for three months after the filing of said claim and petition, or shall have heretofore neglected for the space of six months from the filing of said claim or petition, to have said damages appraised according to the form of the statute in such cases made and provided, or to satisfy said person or persons of their said damages, it shall and may be lawful for said claimant to file in the office of the clerk of the proper circuit court of the county where said damages accrued, a copy, or the substance of a copy of his or her claim for damages; upon the filing of which it shall be the duty of the said clerk to docket the cause for trial, as other causes are docketed, making the claimant therein plaintiff, and the said board of trustees defendant; and it shall be the further duty of said clerk to issue a summons returnable at the next term of his said circuit court, directed to said board of trustees, stating therein the filing of said petition, and the time when the same was filed, and the said trustees shall be required to answer the same, and if said claim shall have been filed and the summons served twenty days before the first day of the term of the court next after filing said petition therein, the said cause shall stand for trial, and shall be tried in all respects as trials upon appeals from the appraisement of damages under the act to provide for a general system of internal improvements, approved January 27th, 1836, and the several acts amendatory and supplementary thereto, and judgment shall be therein given accordingly.

SEC. 2. Said summons specified in the first section of this act, may be served by any person, or by the proper sheriff of the county, and it shall be a good service to serve a copy thereof upon any one of said trustees in this state, or by leaving a copy thereof with their clerk at the office of said board of trustees.

SEC. 3. This act shall not be construed so as to repeal any act now in force for the assessment of damages occasioned by the construction of the Wabash and Erie canal, but shall be cumulative thereto.

SEC. 4. In any and all actions, suits, and complaints, against said board of trustees, it shall be a good and sufficient service of process to serve the same by leaving a copy thereof at the office of said board with any clerk of said board therein, and this act shall be in force from and after its passage.

CHAPTER LXVI.

AN ACT relative to recording deeds in Laporte county.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. Transcripts of deeds, &c., from the records of Michigan City, may be recorded in recorder's office of Laporte county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That transcripts of deeds, mortgages, leases, and other instruments in writing, from the records of Michigan City may be recorded in the recorder's office of Laporte county by the recorder thereof, and in the same manner and to the same extent as original deeds, mortgages, leases, and other instruments in writing are or may be there recorded; and the records and transcripts thereof shall have the same force and effect, and be receivable in evidence in all courts and places as if the original had been recorded in said county recorder's office by the recorder thereof. And it shall be the duty of the recorder of said county to receive and record all such transcripts in the same manner, and subject to the same penalties and provisions as in cases where the original is produced for record. This act shall be in force from and after its passage.

CHAPTER LXVII.

AN ACT to repeal an act therein named.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Act of January 16, 1849, concerning deputy clerks, repealed—section of revised statutes of 1843, revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "an act to amend section one hundred and one, of chapter thirty-eight, of the revised statutes of 1843," approved January 16, 1849, be, and the same is hereby repealed, so far as the county of Clark is concerned; and that said section one hundred and one be, and the same is hereby revived in said county.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

AN ACT to establish an additional place of holding elections in Silver Creek township, in Clark county.

[APPROVED FEBRUARY 4, 1851.]

SECTION

1. Additional place of holding elections in Clark county.
2. Board of commissioners shall establish place.

SECTION

3. Duty of inspectors of elections.
4. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be an additional place of holding elections in Silver Creek township, in Clark county.

SEC. 2. It shall be the duty of the board of commissioners of Clark county, at their March term, 1851, to establish an additional place of holding elections at Bennetsville, in the township aforesaid.

SEC. 3. It shall be the duty of the inspectors of elections in said township to meet the next succeeding day after said elections, unless the same should be on Saturday, then on the next Monday, at the

oldest place of holding elections in said township, and compare the result of the votes taken at every township election for township officers; and it shall be the duty of said inspectors, for their townships, to make out certificates of elections of each township officer elected at said township election, and the same shall be signed by the inspectors of their respective places of holding elections in said township, in the same manner as is now required of such inspectors, and in all other things said inspectors shall be governed by the laws now in force regulating elections, and defining the duties of inspectors.

SEC. 4. This act to be in force from and after its passage. And it shall be the duty of the secretary of state to transmit a certified copy of this act to the county auditor of said county, and shall by said auditor be laid before said commissioners at their March term.

CHAPTER LXIX.

AN ACT *relative to township elections when there is more than one precinct in any township in the counties of Daviess and Martin.*

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Duty of inspectors and judges of elections in certain townships in the counties of Daviess and Martin.

SECTION

2. Duty of clerks of circuit courts of Daviess and Martin.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in all cases where a township election may be held in any township in which there are two or more precincts, in shall be the duty of the inspectors of the several precincts in any such township, or one of the judges of each of such precincts, to meet at the court house of the proper county, in which any such township may be situated, on the first Wednesday succeeding such election, between the hours prescribed for making returns of county elections, and in the presence of the clerk of the circuit court of such county, compare the returns of such election, and make out a certificate of the result of such elections, to be filed in the office of said clerk, in a manner similar to that of making returns of county elections.*

SEC. 2. It shall be the duty of the clerk of any circuit court, in whose office any such return or returns may be filed, to make out,

ready to be delivered, within five days after such return is made, a certificate of election for each person elected at such election, to any office in any such township: *Provided, That the provisions of this act shall extend only to the counties of Daviess and Martin.*

SEC. 3. All laws and parts of laws coming in conflict with the provisions of this act be, and they are hereby repealed, so far as the same do conflict, but no farther, so far as relates to said counties of Daviess and Martin.

SEC. 4. This act shall be in force from and after its passage and publication.

CHAPTER LXX.

AN ACT *to authorize the voters of Jackson township, in the county of Blackford, to vote at Hartford, in said county.*

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Voters of Jackson township may, at general elections, vote in Hartford.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of Jackson township, in Blackford county, be, and they are hereby authorized and allowed to vote at each general election at the precinct in Hartford, Licking township.*

SEC. 2. This act to take effect from and after its passage.

CHAPTER LXXI.

AN ACT to amend "an act providing for the election of township assessors in the counties of Greene and Hamilton," approved January 18, 1850.

[APPROVED FEBRUARY 13, 1851.]

SECTION	SECTION
1. Election of township assessors in Greene county.	2. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the first election of township assessors, so far as the county of Greene is concerned, provided for in the act to which this is an amendment, shall take place on the first Monday in April next, after passage of this act; the office of county assessor in said county is hereby abolished.*

SEC. 2. This act shall take effect and be in force from and after its passage; and it is hereby made the duty of the secretary of state to forward a copy of this act to the auditor of Greene county.

CHAPTER LXXII.

AN ACT to extend the provisions of an act therein named to the county of Ripley.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. Election of supervisors in Ripley county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the provisions of an act entitled "an act to provide for electing supervisors by districts in the counties of Wells, Allen, Noble, Steuben, Lagrange, Tipton, Clinton, Harrison, Adams, Jay, Blackford, and Morgan," approved January 31st, 1851, be, and the same are hereby extended to the county of Ripley.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXIII.

AN ACT to repeal an act establishing additional places of holding elections in certain counties therein named, approved December 21, 1849, so far as the county of Greene is concerned.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Places of holding elections in Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act establishing additional places of holding elections in certain counties therein named," approved December 21, 1849, be, and the same is hereby repealed so far as the county of Greene is concerned.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

AN ACT to amend an act entitled "an act to provide for the election of township assessors and collectors in Jennings county, and for other purposes," approved February 12th, 1848.

[APPROVED FEBRUARY 12, 1851.]

SECTION	SECTION
1. Certain provisions concerning election of township collectors in Jennings county, repealed.	2. Laws governing county treasurer of Jennings county.
	3. How present township collectors shall close their business.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of an act entitled "an act to provide for the election of township assessors and collectors in Jennings county, and for other purposes," approved February 12th, 1848, as provides for the election of township collectors in each and every township of said county of Jennings, be, and the same is hereby repealed.*

SEC. 2. *Be it further enacted*, That all laws and parts of laws which were in force prior to the 12th of February, 1848, and which said act, of which this is an amendment, was intended to repeal; and all general laws subsequently enacted, and which are now in force as general laws of the state, applicable to and in any way defining the duties of county treasurers, be, and the same are hereby re-enacted and binding on the present county treasurer of the said county of Jennings.

SEC. 3. This act to take effect and be in force from and after its passage: *Provided, however*, That nothing herein contained shall prevent the present acting township collectors from closing their business as such collectors for the year 1850.

CHAPTER LXXV.

AN ACT to establish additional places of holding elections in certain counties therein named.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Additional places of holding elections in the counties of Marion, Switzerland, Vigo, and Wayne.
2. County boards shall establish additional places of holding elections.

SECTION

3. Duty of inspectors of elections in certain townships.
4. Duty of secretary of state, and county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be an additional place of holding elections at Bridgeport, in Wayne township, in the county of Marion, in Posey township, in the county of Switzerland, in Honey Creek township, in the county of Vigo, and in Jackson township, in the county of Wayne.

SEC. 2. It shall be the duty of the board doing county business, of the several counties aforesaid, at either their March or June term for the year 1851, in the respective counties, to establish the additional place of holding elections in the townships aforesaid.

SEC. 3. It shall be the duty of the inspectors of elections in said townships to meet the next succeeding day after said election, unless the same should be on Saturday, then on the next Monday, at the

oldest place of holding elections in their respective townships, and compare the result of the votes taken at every township election for township officers; and it shall be the duty of said inspectors, for their respective townships, to make out certificates of election of each township officer elected at said township election, and the same shall be signed by the inspectors of their respective townships, in the same manner as is now required of such inspectors, and in all things said inspectors shall be governed by the laws now in force regulating elections and defining the duties of inspectors of elections, and as to county and state and congressional elections, the said inspectors shall in all things be governed by the general law regulating elections and defining the duties of inspectors.

SEC. 4. This act shall be in force from and after its passage; and it is hereby made the duty of the secretary of state to forward a certified copy of this act to the county auditors of said counties, and said auditors shall submit the same before said commissioners.

CHAPTER LXXVI.

AN ACT to regulate the issuing of executions and fee bills in the several courts in the counties of Marion, Dearborn, Daviess, Lawrence, Union, Fayette, Martin, and Blackford, upon which no execution has issued for three years from the rendition thereof, and when fees have not been collected for three years from the termination of the suit in which the same is taxed.

[APPROVED FEBRUARY 7, 1851.]

SECTION

1. How execution may issue, in certain counties, on judgment upon which no execution has issued for three years from the rendition thereof.

SECTION

2. Fee bills, in certain cases, may be issued; proceedings thereon.
3. Fees of clerk.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases when any judgment or judgments, in any of the courts in the counties of Marion, Dearborn, Daviess, Lawrence, Union, Fayette, Martin, and Blackford, shall have been duly rendered, and the same shall have remained three years from the rendition thereof without execution having issued thereon, it shall not be

necessary to revive such judgment or judgments by *scire facias* or otherwise; but executions may at any time thereafter issue upon such judgment or judgments, the plaintiff, his agent or attorney first filing with the clerk of the proper court, an affidavit that the same remains in whole or in part unsatisfied, and that there is not, as he believes, any good reason why such execution should not issue; where said affidavit is made by an agent or an attorney, a receiver or an assignee, or any other person interested, in order to obtain a fee bill or execution, (and such persons are hereby authorized to make said affidavit,) said affidavit shall be, that said costs remain unpaid, so far as affiant knows or believes, and that he knows of no good cause why a fee bill should not be issued. It shall not be obligatory upon the person collecting costs to pursue the course pointed out by this act, but he may if he choose proceed by *scire facias* or notice, as heretofore.

SEC. 2. In all cases where costs have been duly taxed and remain unpaid for three years from the termination of any suit in which services were rendered in any of the courts aforesaid, it shall not be necessary to cause the same to be re-taxed by *scire facias*, notice, or otherwise; but fee bills for the collection thereof may, at any time thereafter, issue, upon request of the person or party entitled to such costs, in the same manner as if the same had been requested prior to the expiration of three years from the termination of any such suit; *Provided*, No such fee bill shall issue until the person or persons demanding the same shall first file in the proper clerk's office, an affidavit that the fees remain due and unpaid, and that there is not, as he knows of or believes, any good reason why such fee bill should not issue: *And provided further*, That proceedings upon any fee bill or execution issued in pursuance of the provisions of this act shall be suspended upon motion to the proper court in term time, or judge thereof in vacation, founded upon affidavit, showing that a good and valid defence to the same exists, and such case shall then be docketed amongst the causes pending in court, and shall proceed to trial and final determination in the same manner as if *scire facias* or notice to revive had been duly issued and served upon the party against whom the same may have been issued.

SEC. 3. In lieu of the fee for issuing the *scire facias* or other notice, and in full compensation for his services, the clerk shall be allowed for each of said writs, the usual fee allowed for executions.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER LXXVII.

AN ACT to increase the pay of the probate judges of the counties of Union, Fayette, Rush, Hendricks, Sullivan, Marion, and Gibson.

[APPROVED JANUARY 23, 1851.]

SECTION 1. Additional compensation may be allowed to probate judges in certain counties—probate term, in Sullivan county, extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the counties of Union, Fayette, Rush, Hendricks, Sullivan, Marion, and Gibson are hereby authorized and empowered to pay out of the county treasuries of said counties a per diem allowance not exceeding one dollar per day, to the probate judges of said counties, extra of the present per diem pay. And that in the county of Sullivan each term of the probate court shall extend and be continued for two weeks, if the business thereof require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXVIII.

AN ACT to increase the per diem allowance of the probate judges of the probate courts of Montgomery and Madison counties.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Pay of probate judges in Montgomery and Madison counties.

SECTION

2. How paid.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate judges of Montgomery and Madison counties shall hereafter be allowed and receive the sum of three dollars per day for every day that they may be engaged in the exercise of the duties of his [their] said office.

SEC. 2. That the excess over their regular salary be paid out of the county treasury of said counties respectively.

SEC. 3. This act to take effect and be in force from and after its passage; and all acts and parts of acts coming in conflict with the provisions of this act, be, and the same are hereby repealed.

CHAPTER LXXIX.

AN ACT to amend section 27, chapter 7, of the revised statutes of 1843, so far as relates to the county of Greene.

[APPROVED JANUARY 23, 1851.]

SECTION

1. Revised statutes of 1843 amended.
2. Board of commissioners of Greene county may allow additional com-

SECTION

pensation to clerk, auditor, and sheriff.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That section 27, chapter 7, of the revised statutes of 1843, be, and the same is amended, so far as the county of Greene is concerned, as follows:*

SEC. 2. The board of county commissioners shall annually allow to the clerk of the circuit court, auditor, and sheriff of said county, for their extra services, any sum not exceeding fifty dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER LXXX.

AN ACT to reduce the fees of the Recorder of the county of Brown.

(APPROVED JANUARY 25, 1851.)

SECTION

1. Reducing fees of recorder of Brown county.

SECTION

2. This act, when in force.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the recorder in and for Brown county shall be entitled to receive not more than seventy-five cents for recording any deed or mortgage, which money shall be paid in advance.*

SEC. 2. This act shall take effect and be in force from and after the publication thereof.

SEC. 3. All laws and parts of laws contravening the provisions of this act are hereby repealed, so far as the same relates to the county of Brown.

CHAPTER LXXXI.

AN ACT to repeal an act entitled "an act fixing the salary of the auditor of the county of Owen."

[APPROVED FEBRUARY 5, 1851.]

SECTION

1. Act of January 21, 1850, repealed.

SECTION

2. Act of January 15, 1844, repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act entitled an act fixing the salary of the auditor of the county of Owen, approved January 21st, 1850, be, and the same is hereby repealed.*

SEC. 2. And that an act abolishing the office of county auditor in certain counties therein named, approved January 15, 1844, be, and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXXII.

AN ACT to repeal an act entitled "an act regulating the salary of the auditor of Putnam county," approved Feb. 11, 1848.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Certain act repealed.
2. Laws regulating fees and salaries of county auditor, in force in

SECTION

- Putnam county.
3. This act, when to take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the above recited act be, and the same is hereby repealed.*

SEC. 2. That the general laws of the state regulating the fees and salaries of county auditor, be, and the same are hereby declared to be in full force and effect in the said county of Putnam.

SEC. 3. This act to take effect and be in force from and after the first Monday in March next.

CHAPTER LXXXIII.

AN ACT to fix the compensation of clerks of the circuit courts in cases of naturalization.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Fee of clerks of circuit courts in twelfth judicial circuit, in certain cases.

SECTION

2. Fee of clerks of circuit courts in Indiana, in cases of naturalization.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the clerks of the several circuit courts in the twelfth judicial circuit in this state shall hereafter be entitled to charge and receive of and from any person who may apply to him for a certificate of the intention of such person to become a citizen of the United States, the sum of fifty cents, which shall be his full charge for draw-*

ing the affidavit, administering the oath, entering such declaration upon record, and granting a certificate thereof under his seal of office.

SEC. 2. That in all cases where any alien shall apply to take the final oath and become a citizen of the United States, in any of the courts of this state, said clerk shall be authorized to charge and receive of and from such alien, for their services, the additional sum of fifty cents, which shall be his full charge for administering the necessary oath or oaths, entering the proceedings thereof on the order book of said court, and granting a copy of the same under his seal of office.

CHAPTER LXXXIV.

AN ACT to repeal an act to restrict the grand jury in Franklin county in their sessions, approved January 15th, 1850.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Certain act concerning grand jury in Franklin county, repealed.
2. General laws concerning grand

SECTION

- juries, in force in Franklin county.
3. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act to restrict the grand jury of Franklin county to a limited time in their sessions, approved January 15th, 1850, be, and the same is hereby repealed.*

SEC. 2. That the general laws of the state regulating the summoning, empanneling, and sessions of grand juries shall be in force in said county of Franklin.

SEC. 3. This act to be in force and take effect from and after its passage. And it is hereby made the duty of the secretary of state to transmit a certified copy of this act to the clerk of the circuit court of Franklin county.

CHAPTER LXXXV.

AN ACT to restrict the Grand Jury of the county of Marshall to a limited time in their sessions.

(APPROVED FEBRUARY 14, 1851.)

SECTION

1. Session of grand juries, in Marshall county, restricted to three days, except in certain cases.
2. Grand jury, except in certain cases, shall not decide on any complaint not made within the first two days of its session.

SECTION

3. Duty of prosecuting attorney.
4. Circuit court may continue grand jury from day to day.
5. Court may render judgment for costs against prosecuting witness, in certain cases.
6. Duty of Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court of the county of Marshall, the grand jury shall not remain in session more than three days, except in cases herein provided for.

SEC. 2. That no grand jury in said county shall decide upon any complaint or information of which it has cognizance by law, and which shall be made to it, without the court in its discretion shall order to the contrary on the application of such grand jury, unless such complaint or information shall be made within the first two days of the session: *Provided, also*, That this restriction shall not apply to the case of prisoners in jail who may otherwise be detained in jail until the next session of the circuit court.

SEC. 3. It shall be the duty of the prosecuting attorney to inform the court whether there are any cases before the grand jury of such a nature as would, in criminal cases, amount to death or imprisonment in the state prison.

SEC. 4. That when the court are informed by such prosecuting attorney that such cases are before the grand jury, the court may continue the grand jury from day to day to determine such cases.

SEC. 5. If any person shall voluntarily appear before any grand jury of said county, and procure an indictment against any person or persons, who shall, upon his or their trial, be acquitted, it shall be lawful for the court before whom such person or persons were tried and acquitted, if they shall believe such indictment to have been procured through malicious or other improper motives, to render judgment against such prosecuting witness for the costs which have accrued in such cause.

SEC. 6. This act shall take effect and be in force from and after its passage, and shall be published in the Indiana State Sentinel; and it shall be the duty of the secretary of state forthwith to forward a certified copy of this act to the clerk of the circuit court of the said county of Marshall.

CHAPTER LXXXVI.

AN ACT to restrict the Grand Juries of the counties of Porter and Lake to a limited time in their sessions, and for other purposes.

(APPROVED FEBRUARY 8, 1851.)

SECTION

1. Grand juries in Porter and Lake restricted to sessions of four days, except in certain cases.
2. Grand jury shall not decide, except in certain cases, on any complaint not made within the first two days of its session.
3. Duty of prosecuting attorney.

SECTION

4. Circuit court may continue grand jury from day to day.
5. Court may render judgment for costs against prosecuting witness, in certain cases.
6. Justice of the peace may render judgment for costs against prosecuting witness.
7. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court the grand juries in the counties of Porter and Lake, shall not remain in session more than four days, except in cases herein provided for.

SEC. 2. That no grand jury in the counties of Porter and Lake shall decide upon any complaint or information of which it has cognizance by law, and which shall be made to it, without the court, in its discretion, shall order to the contrary, on the application of such grand jury, unless such complaint or information shall be made within the first two days of its session: *Provided, also*, That this restriction shall not apply to the case of prisoners in jail, who may otherwise be detained in jail until the next session of a grand jury.

SEC. 3. It shall be the duty of the prosecuting attorney to inform the court whether there are any cases before the said grand jury of such a nature as would in criminal cases amount to death, or imprisonment in the state prison.

SEC. 4. That when the court are made sensible that such cases

are before the grand jury, the court may continue the jury from day to day to determine such cases.

SEC. 5. That if any person shall voluntarily appear before any grand jury of said counties, and procure an indictment against any person who shall, upon his trial, be acquitted, the court trying said cause, or before whom said cause was tried, may, in their discretion, render judgment against said prosecuting witness for the costs which have accrued in said cause.

SEC. 6. That if any person shall voluntarily appear before a justice of the peace in said counties, and enter a complaint against any person, charging him with a violation of the criminal law of this state, and procure him to be arrested and tried, and the person so arrested shall be acquitted, the justice of the peace, in his discretion, may enter a judgment against said prosecuting witness for the costs which may have accrued in said cause: *Provided*, That said justice shall not be entitled to any costs in said suit.

SEC. 7. That all laws and parts of laws giving the right to grand juries of Porter and Lake counties, to continue in session longer than is provided for in this act, are hereby repealed.

SEC. 8. This act to be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT to amend an act entitled "an act to restrict the Grand Juries of the counties of Porter and Lake to a limited time in their sessions, and for other purposes," approved February 8, 1851.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Concerning judgments rendered, in certain cases, by circuit courts, or justices of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing contained in the fifth or sixth sections of the above recited act shall authorize any court or justice of the peace to render judgment against any complainant except in cases where such court or justice shall be satisfied that such complaint was made from malicious or other improper motives.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT to restrict the powers of the Grand Jury of Shelby and Knox counties, and to limit the time of their sessions.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Sessions of grand jury in Shelby and Knox, shall not continue longer than four days, except in certain cases.
2. Grand jury shall not decide, except in certain cases, on any complaint not made within the first three days of its session.
3. Duty of prosecuting attorney.
4. Grand jury may be continued, by court, from day to day.

SECTION

5. Court may, in certain cases, render judgment against prosecuting witness for costs.
6. Justice of the peace may, in certain cases, render judgment against prosecuting witness for costs—sections 5 and 6 shall not apply to Knox county.
7. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court the grand jury in Shelby and Knox counties shall not remain in session more than four days except in cases hereinafter provided.

SEC. 2. That no grand jury in the counties of Shelby and Knox shall pass upon any complaint or information of which it has cognizance by law, and which shall be made to it, (without the court in its discretion shall order to the contrary, on the application of such grand jury,) unless such complaint or information shall be made within the first three days of its session: *Provided*, also, That this restriction shall not apply to the case of prisoners in jail who may otherwise be detained in jail until the next session of a grand jury.

SEC. 3. It shall be the duty of the prosecuting attorney to inform the court whether there are any cases before the said grand jury of such a nature as would, in criminal cases, amount to death or imprisonment in the state prison.

SEC. 4. That when the court are made sensible that such cases are before the grand jury, the court may continue the jury from day to day to determine such cases.

SEC. 5. That if any person shall voluntarily appear before the grand jury of said counties, and prosecute an indictment against any person who shall upon his trial, be acquitted, the court trying said cause, or before whom said cause was tried, may, in their discretion, render judgment against said prosecuting witness for the costs which have accrued in said suit.

SEC. 6. That if any person shall voluntarily appear before a justice of the peace in said counties, and enter a complaint against any person, charging him with a violation of the criminal laws of this

state, and procure him to be arrested and tried, if acquitted, the justice of the peace in his discretion may enter up a judgment against said prosecuting witness for the costs which may have accrued in said cause: *Provided*, That the provisions of sections 5 and 6 shall not apply to the county of Knox.

SEC. 7. That all laws and parts of laws giving the right to grand jurors of Shelby and Knox counties to continue in session longer than is provided for in this act, be, and the same are hereby repealed.

SEC. 8. This act to be in force from and after its passage.

CHAPTER LXXXIX.

AN ACT to exempt guardians from the payment of clerk's fees in certain cases.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Guardians exempt from payment of clerk's fees, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter it shall be necessary to take out letters of guardianship for the purpose of obtaining a pension, bounty land, extra pay or arrears of pay for minor children, and such pension, bounty land, extra pay or arrears of pay, shall be all the property of such minors, which may come to the hands of such guardian, the clerk of the proper county shall perform the duties necessary thereto and connected therewith free of charge; and this exemption from the payment of fees shall not only extend to the fees for the issuing of letters of guardianship in such cases, but also to all that is necessary to be done in the probate court in relation thereto or connected therewith.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XC.

AN ACT to prevent the consolidation of indictments in certain cases in the county of Dearborn.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Judges of circuit court in Dearborn shall not consolidate indictments, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any person shall be indicted for the sale of ardent spirits in the county of Dearborn, it shall not be lawful for the judges of the circuit court of said county to consolidate any such indictments, either before or after trial; but the said circuit court shall assess and fix a fine and costs upon each and every such indictment if the defendant be found guilty.

SEC. 2. This act shall take effect and be in force from and after its passage, and shall be considered a public act.

CHAPTER XCI.

AN ACT for the benefit of the Indiana Hospital for the Insane.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Commissioners of Hospital for Insane may draw on state treasurer, in 1851, for ten thousand dollars more than usual revenue for hospital purposes—treasurer or commissioners authorized to borrow said sum.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners for the Indiana hospital for the insane, be, and they are hereby authorized, during the year 1851, to draw upon the treasurer of the state for the sum of ten thousand dollars, over and above the usual revenue, for said hospital purposes; and the said treasurer is hereby authorized to pay the same upon the usual warrants and orders of the said commissioners, out of any money in the treasury not otherwise appropriated; and should there not be money sufficient in the treasury to honor such warrants and orders, then the said treasurer or the said commissioners are author-

ized to borrow the said sum at a rate of interest not greater than six per centum per annum; and said sum to be refunded out of the succeeding year's revenue of said hospital.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCII.

AN ACT to prevent clerks and sheriffs from purchasing judgments in the court to which they act as clerk or sheriff.

[APPROVED FEBRUARY 12, 1851.]

SECTION	SECTION
1. Judgments or decrees rendered in circuit or probate courts shall not be	purchased by clerks or sheriffs of such courts.
	2. Penalty for violation of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for any clerk or sheriff of a circuit or probate court to purchase, directly or indirectly, any judgments, decree, or any part thereof, which may have been rendered in the court to which said clerk or sheriff may act.

SEC. 2. Any clerk or sheriff offending against the provisions of the first section of this act, shall be fined for each offense, upon conviction thereof, on presentment or indictment in any court having jurisdiction, in any sum not less than ten dollars nor more than one hundred dollars, with costs.

SEC. 3. This act shall be in force from and after its publication.

CHAPTER XCIII.

AN ACT to repeal the first 13 sections of chapter 50, of the Revised Code of 1843, so far as relates to the counties of Scott and Greene.

[APPROVED FEBRUARY 10, 1851.]

SECTION 1. Concerning petit juries in Scott and Greene counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first thirteen sections of chapter fifty of the revised code of 1843, be, and the same are hereby repealed so far as the same relates to petit jurors in the counties of Scott and Greene.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XCIV.

AN ACT in relation to the jurisdiction of Justices of the Peace.

[APPROVED FEBRUARY 6, 1851.]

SECTION	SECTION
1. Jurisdiction of justices of the peace extended in Lawrence county.	2. This act in force only in Lawrence county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all actions commenced before any justices of the peace, the defendant or defendants in such actions shall be bound to answer the same in any township where any such defendant may actually reside, or where the debt or liability was contracted, or the cause of action accrued, or where such defendant may be found; and when there are several defendants to such action residing in different townships, jurisdiction under the provisions of this act as to any one of such defendants, shall extend to and embrace all of said defendants.

SEC. 2. This act to apply to and be in force in the county of Lawrence alone, and be in force from and after its passage.

CHAPTER XCV.

AN ACT to amend an act regulating the jurisdiction and duties of Justices of the Peace in the county of Dearborn.

[APPROVED JANUARY 28, 1851.]

SECTION

1. Jurisdiction of justices of the peace extended, in civil cases, in Dearborn county.

SECTION

2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter in all civil cases coming under the jurisdiction of a justice of the peace, all persons shall be bound to answer to any summons issued in the township where the defendant may reside or where the contract was made or cause of action accrued, or if the defendant is a non-resident of said county he shall be required to answer in the township in which he may be found, or where the cause of action accrued.

SEC. 2. All laws conflicting with the provisions of this act so far as the county of Dearborn is concerned, be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XCVI.

AN ACT to provide for a Justice of the Peace in West Franklin, Posey county.

[APPROVED FEBRUARY 6, 1851.]

SECTION

1. Voters of Marris township, Posey county, shall elect a justice of the peace, who shall hold his office in West Franklin.

SECTION

2. Clerk of Posey county shall order an election for such justice.
3. Election, where held and how conducted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a justice of the peace shall be elected within and for the town of West Franklin, in Posey county, by the qualified voters of Marris township, who shall hold his office in said town.

SEC. 2. It shall be the duty of the clerk of the circuit court of Posey county, so soon as practicable after the taking effect of this act, to order an election for said justice of the peace.

SEC. 3. Said election, when so ordered, shall be held in the town of West Franklin, and be conducted in every respect as other township elections.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCVII.

AN ACT relative to the jurisdiction of Justices of the Peace in certain criminal cases in the county of Carroll.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Act of January 16, 1849, defining jurisdiction of justices in certain counties, repealed so far as relates to Carroll county.

SECTION

2. Certain acts revived in Carroll county.
3. Duty and compensation of prosecuting attorney of 8th judicial circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of an act entitled "an act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16th, 1849, as relates to the county of Carroll, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the several laws in force in said county of Carroll relative to crimes and offenses, specified and referred to in said act, in the first section of this act named, at the time of the passage of said act of 1849, be, and the same are hereby revived and declared to be in full force.

SEC. 3. *Be it further enacted,* That in all criminal cases wherein justices of the peace have jurisdiction to assess fines, it shall be the duty of the prosecuting attorney of the eighth judicial circuit, when notified, after complaint is made before any justice of the peace of said county, to attend and prosecute on behalf of the state; and he shall be allowed for his service the sum of five dollars in every case of conviction, to be taxed with the cost against the defendant.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XCVIII.

AN ACT to enable the citizens of Orange township, Fayette county, to elect an additional Justice of the Peace, so as to reside in the south part of said township.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Voters of Orange township, Fayette county, authorized to elect an additional justice of the peace.

SECTION

2. Term of office of such justice.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens or lawful voters of the township of Orange, in the county of Fayette, at the first April election, be, and they are hereby authorized and empowered, to elect an additional justice of the peace for said township, having all the powers and jurisdiction in equal right with the other justices thereof.

SEC. 2. Said justice of the peace, when so elected, shall hold his office for the term of five years from the date of his commission, according to the general laws now governing the election and jurisdiction of justices of the peace.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XCIX.

AN ACT defining the powers of Justices of the Peace in Marion county.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Justices of the peace in Marion county, shall, in certain cases, issue process to compel attendance and testimony of witnesses—may take affidavits—issue warrant for arrest of offenders, &c.

SECTION

2. Penalty for refusing to testify, or refusing to make affidavit.
3. Former proceedings in accordance with this act legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any justice of the peace of Marion county

shall have reason to believe, by information given to him, or otherwise, that any criminal offense has been committed within said county, coming within the exclusive or concurrent jurisdiction of a justice of the peace, it shall be his duty to issue the proper process to compel the attendance and testimony of witnesses before him touching the commission of such offense; and if it shall appear from the testimony so elicited, that any such offense shall have been committed, such justice shall take the affidavit of one or more of said witnesses, and forthwith issue his warrant for the arrest of the offender, and thereupon proceed to trial and judgment in the manner now provided for by law.

SEC. 2. That if any witness so brought before such justice shall refuse to testify, or having testified and disclosed the commission of any offense as aforesaid, shall refuse to make an affidavit thereof, if required so to do by such justice, such witness shall be liable to the same penalties as for refusing to testify on the trial of a cause before a justice of the peace.

SEC. 3. All former proceedings of any justice of the peace of said county which have been in accordance with the provisions of this act, are hereby legalized and declared to be valid.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER C.

AN ACT to repeal an act therein named.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Act of January 21, 1850, concerning jurisdiction of justices of the peace in Tippecanoe county, repealed.

SECTION

2. Certain laws relating to jurisdiction of justices of the peace, revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act relative to the jurisdiction of justices of the peace in certain criminal cases in the county of Tippecanoe," approved January 21st, 1850, be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That the several laws which were in force in the said county of Tippecanoe at the time of the passage of the above recited act, giving to justices of the peace con-

current jurisdiction with the circuit court in certain criminal offenses, be, and the same are hereby revived and declared to be in full force and effect.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CI.

AN ACT to provide for defraying the expense of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. County boards shall settle with surveyors and others employed in selecting overflowed and swamp lands—may examine claimants and others, on oath—shall make right and proper allowances, and shall issue county orders therefor—how paid—sums paid by counties shall be a lien on first moneys received from sale of lands.
2. Treasurer of state shall pay to county treasurers, out of certain funds, the sums expended by each county—counties entitled to interest.
3. Compensation of surveyors, deputy surveyors, and other hands—no allowance made for mapping or platting.
4. Secretary, auditor, and treasurer of state authorized to settle with registers and receivers of U. S. land offices, and clerk of governor, for certain services—statements and accounts to be verified by oaths of register and receiver.
5. Lands shall be subject to entry, after confirmation of grant by general government.

SECTION

6. Registers and receivers of U. S. land offices, constituted "state registers and receivers"—powers and duties.
7. Rules and regulations governing registers and receivers.
8. Appropriation to meet certain expenditures.
9. Purchasers liable for necessary drainage of land.
10. Registers and receivers shall give bond.
11. Receivers shall make monthly settlements with state treasurer.
12. Registers shall monthly transmit certificates, &c., to auditor of state, who shall register the same.
13. Registers and receivers shall keep certain records, to be filed among the archives of the state—compensation of registers and receivers.
14. Proceeds of lands pledged for payment of public debt.
15. Treasurer of state shall apply to the proper department of the general government for certain moneys—certain claims relinquished by state on receipt of moneys.
16. Penalty for committing trespass, &c., on lands belonging to the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the several boards doing county business in this state, to settle with and adjust the claims of all*

county surveyors and other persons employed in selecting and designating the overflowed and swamp lands in this state, under an act of Congress of the 28th September, 1850, upon that subject; said boards shall have power and authority to examine, on oath, claimants and all other persons they may see proper to call before them, touching said claims and the amount to be allowed therefor; that said boards shall make such allowances as shall appear right and proper in the premises, and issue and deliver to said claimants orders payable out of the county treasury therefor, which orders shall be payable, as other orders, out of the general funds of the county; and said sums so paid by the several counties shall be a lien on the first moneys received by the state from the sale of said lands.

SEC. 2. The treasurer of state shall pay to the several county treasurers, upon the draft of the county auditor, the sum so expended by each county out of the first funds received from the sale of said lands; and that said counties shall be entitled to interest upon the sum paid by each from the time the county orders issue therefor until the state pays the same.

SEC. 3. The county boards, in making settlements with surveyors and others, shall allow said surveyors three dollars per day, their deputies not exceeding two dollars, and other hands not exceeding one dollar per day, for the time by each of them actually employed about said work, which shall be in full of all claims, and no claim or time shall be allowed for mapping, platting, or paper work, except for making out a list of said lands belonging to the state in their respective counties.

SEC. 4. The secretary, auditor, and treasurer of state are hereby authorized to settle with the several registers or receivers of the United States land offices in this state, and with the clerk for the governor, and make them such allowances as to them may seem proper and right, for any services which they may have rendered to the state under said act of congress, which sums, when so fixed by said officers, shall be paid by the treasurer of state out of the funds arising from the sale of said lands upon the warrant of the auditor of state, as other payments are made; before such settlement said register shall make out and file in the office of auditor of state, a plain and full itemized account of the matters and things for which such register and receiver claims payment, stating the amount claimed for himself, and what for, and the amount claimed for each assistant, and what for, and the time employed by each person in said service, and price of his services charged; and said account shall be verified by the oath of such register and receiver, and remain in the office as a voucher for whatever payment may be made thereon by the state.

SEC. 5. That said lands so granted as aforesaid by the United States to the state of Indiana, after the selections made under the orders of the governor shall have been confirmed by the proper department of the federal government, shall be subject to entry at the

same prices as the public lands of the United States in the several land districts of this state.

SEC. 6. That said lands shall be subject to such entry at the several United States land offices in this state, and the several registers of said offices are hereby authorized, as state registers, to issue applications for the purchase of said lands, or any part thereof, which said applications shall be presented to the several receivers of said offices, who are hereby authorized, as state registers, upon the presentation of said applications and reception of the same, and the proper sum of money, at the prices above designated, to give to the purchaser a certificate or duplicate of purchase, which shall entitle said purchaser to a patent for said land, to be hereafter provided for and issued.

SEC. 7. That registers and receivers of the several land districts shall be governed by the rules and regulations in relation to the sale of the public lands of the United States, so far as the same do not conflict with the above act of Congress of the 28th September, 1850, or with this act.

SEC. 8. That the sum of ten thousand dollars of the first money received into the state treasury under this act, be, and the same is hereby appropriated to meet the various expenditures herein provided for.

SEC. 9. Every purchaser of any such lands, in addition to the payment of the above price, shall be liable for, and shall make or pay for all necessary drainage of the land purchased by him, and such conditions and liability shall be a lien on such land, and shall be recited on his duplicate and patent or deed therefor.

SEC. 10. Said register and receiver shall each give bond to the state of Indiana, to be approved by the governor, in the sum of ten thousand dollars, or such other sum as the governor shall direct, for the faithful performance of his respective duties, and the payment of all money which shall come into his hands from the sale of said lands according to law.

SEC. 11. Said receivers shall respectively pay over, under the direction of the state treasurer, monthly, all money in his hands arising from such sales, into the state treasury, or to such other convenient point as said treasurer shall direct, and shall fully settle up at such time, all of his monthly accounts, and receive full receipts therefor.

SEC. 12. The register of each land office shall monthly transmit to, and file in the office of the auditor of state, all certificates and receipts for the sale of land and payment of money therefor, issued by the receivers of said land office of his district, which shall be registered by said auditor.

SEC. 13. Each register and receiver shall keep a record, distinct and separate from the United States records, of each and every tract of land sold and paid for, containing the description of said tract,

time of sale, number of acres, purchaser's name and residence, and price paid for it, which record and register shall, from time to time, as the legislature shall direct, be transmitted to, and filed among the records of the state. And said registers and receivers shall each receive, as compensation for all services in and about said sales and entries, one per cent. upon all money realized from said sales, and no other compensation whatever, except that the receivers may be paid and allowed from time to time, the actual expenses of transportation of money from their offices to the place of deposit.

SEC. 14. The money received from the sale of such lands, and all of the lands so granted to this state by said act of Congress, over and above what shall be expended and required for paying the expense of drainage thereof, shall be, and the same is hereby forever appropriated and pledged for the payment of our public debt, in such manner as the legislature shall direct.

SEC. 15. That the treasurer of state be, and he is hereby directed to apply to the proper department of the government of the United States, and demand and receive the price of and purchase money received by the United States, or hereafter to be so received for any and all lands sold by the United States, either for cash or otherwise, since the passage of said act of Congress, which land vested in the state by virtue of said act; and when said money shall be received, to hold the same in the state treasury, subject to the payment of the expenses of realizing and securing the said land, and such other purpose as shall be directed by law. And upon the receipt of said money from the United States as aforesaid, this state does hereby relinquish all right and claim to such lands so sold by the United States, and accepts the consideration money aforesaid in lieu thereof, and thereafter the said lands so sold as aforesaid, by the United States, shall be vested in the purchasers thereof in fee simple forever, subject to the lien liability for drainage thereof as other swamp or overflowed lands sold by the state of Indiana shall be liable.

SEC. 16. Any person who shall commit a trespass, or shall in any way willfully injure or waste any land, or timber, or wood thereon belonging to the state of Indiana, shall be liable to a prosecution and indictment therefor, and upon conviction, shall be fined in any sum not less than three times the amount in value of the injury done.

SEC. 17. This act to take effect and be in force from and after its passage.

CHAPTER CII.

AN ACT supplemental to an act entitled "an act to provide for defraying the expense of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes," passed in February, 1851.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. County orders, in certain cases, payable out of funds in state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any county order shall be issued to any surveyor or other person under the provisions of the act to which this is a supplement, and there shall be no money in the proper county treasury applicable to the payment thereof, it shall be the duty of the proper county treasurer to endorse on such order that there are no funds applicable to the payment thereof, and thereupon, upon presentation of the same to the auditor of state, it shall be the duty of the said auditor to audit the same and draw his warrant on the state treasury for the amount thereof in favor of the holder thereof, and said state treasurer shall pay the same out of any money in the state treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CIII.

AN ACT to equalize the price of the Swamp Lands in the State of Indiana.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Regulating price of swamp lands in Miami Reserve.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the swamp lands included within the Miami Reserve, which are now sold at two dollars per acre, be hereafter sold at the same price that other swamp lands are.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CIV.

AN ACT in relation to sales of land forfeited to the State by borrowers of college and other funds.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Auditor of state authorized to sell lands forfeited to state by borrowers of certain funds.

SECTION

2. Sale to be made on a credit of five years; but not for a sum less than the amount due at time of forfeiture.
3. Compensation of auditor and treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of state shall be authorized at any time to make sale, after six weeks' notice in a newspaper published in the city of Indianapolis, of any tract of land which has heretofore been forfeited to the state of Indiana by the borrowers of college, saline, bank tax, congressional township, surplus revenue, or treasury funds.

SEC. 2. Said sale shall be made to the highest bidder, on five years' credit, with interest payable annually in advance at seven per cent. per annum, and shall not be for a less sum than the amount of principal, interest, damages, and costs due upon the tract sold at the date of forfeiture.

SEC. 3. The five per cent. damages heretofore paid to the auditor and treasurer of the state for their services in the care of said funds, shall be added to the principal of such funds, and shall be loaned or distributed as is now provided for by law; and in lieu thereof the officers aforesaid shall, on the first day of March annually, be allowed the same compensation as is allowed to county auditors and treasurers for similar services on all sums received for the preceding year.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CV.

AN ACT *confirming the title of the Georgia Lands to Martin R. Green.*

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Sale of Georgia Lands confirmed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sale of the Georgia lands to Martin R. Green, is hereby confirmed, and the governor is hereby instructed and directed to hand over to Martin R. Green all the title papers that the state of Indiana has for the said lands.

CHAPTER CVI.

AN ACT *to amend an act entitled "an act to protect from waste certain lands therein mentioned," approved December 13, 1849.*

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Treasurer of Bartholomew not required to pay certain moneys into the state treasury.
2. Moneys shall be loaned by county au-

SECTION

- ditor—conditions of loan, and application of interest.
3. Treasurer of Bartholomew shall pay a certain sum to William Singleton.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the third section of said act as requires the treasurer of Bartholomew county to pay the purchase money arising from the sale of said lands into the state treasury, be, and the same is hereby repealed.

SEC. 2. The said money shall be loaned by the auditor of said county in like manner, and upon such security as the congressional township funds are loaned, until the same shall be claimed by the proper heirs, and the interest arising therefor shall be applied annually to the support of common schools in said county.

SEC. 3. The treasurer of said county shall pay out of said purchase money, to William Singleton, whatever sum of money was by him paid for the redemption of said land from sale for taxes.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CVII.

AN ACT *relative to the practice of the law in Marion county.*

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Continuance, during the term, shall be at the cost of the party asking it.
2. In certain cases of appeal, and in cases of material amendment, the party recovering judgment shall recover costs.
3. How appeals may be taken from decisions of Marion court of common pleas to Marion circuit court; and proceedings thereon.

SECTION

4. Jurisdiction of Marion circuit court in criminal cases.
5. Times of holding terms of Marion circuit court.
6. Grand and petit juries.
7. Writs, &c., pending, when returnable, and proceedings thereon.
8. Repealing clause—this act shall apply only to the county of Marion.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, when an action pending in any court of record in the state, shall be continued during the term from day to day or from one day to another day certain during the term, such continuance shall be at the costs of the party asking it; and such party asking a continuance shall be liable for all costs that may accrue in the case from the day of the continuance until the cause shall be called for trial.

SEC. 2. That in all cases of appeal from justices of the peace from judgments of default or nonsuit, and in all cases where either party shall have made a material amendment of the cause of action in pleadings in the circuit court, the party recovering judgment shall recover costs.

SEC. 3. That whenever any cause shall be decided in the Marion court of common pleas, either party may take an appeal to the Marion circuit court at any time during the term or within thirty days thereafter, and such cause shall stand for hearing at the first term, and the circuit court shall decide the same as a court of error, unless, at the option of either party, a new trial shall be demanded, in which

case the cause shall stand for trial *de novo*, as if the same had been originally commenced in the circuit court, and a new trial shall be allowed as a matter of right. The appellant shall give bond according to the provisions of the law allowing appeals from justices of the peace to be approved of by the acting clerk of the Marion court of common pleas; and in all cases of appeal to the circuit court the original papers, with a transcript of the proceedings and judgment had in the case shall be certified by the clerk of the common pleas court to the circuit court, in the same manner as in cases of appeal from justices of the peace; this right of appeal shall also apply to all cases decided at the January term of the Marion court of common pleas for the year eighteen hundred and fifty-one.

SEC. 4. That the law giving exclusive jurisdiction to justices of the peace in the county of Marion, in criminal cases, be so amended that the circuit court shall have concurrent jurisdiction with the justices of the peace in such cases.

SEC. 5. That hereafter there shall be held two terms of the circuit court for the county of Marion, in each year, to commence as follows, viz: on the second Monday in June and the second Monday in December; and said court shall continue in session at said terms as long as the business thereof shall require; that the first and second weeks of said terms shall be for making up issues in civil causes, and the trial of criminal causes; and no civil cause shall be set for trial upon an issue of facts during said first two weeks, but every civil cause shall be subject to be called on the first and each succeeding day of the term, for the making up of issues, judgments upon demurrer, default, or for want of plea or answer upon confession, and by consent of parties may be rendered upon any day of the term.

SEC. 6. A petit jury shall be summoned for the first week of each term, and shall continue during the term. Grand jurors shall be summoned as at present provided by law.

SEC. 7. All writs, processes, and notices which may have been issued or served before the taking effect of this act, in relation to matters now pending or to be pending in said circuit court, are hereby made returnable to the first day of the next term of said court as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings which, at the time of the taking effect of this act shall be pending at any term of said court, shall be acted upon therein in the same manner as if this act had been in force at the time they were issued, commenced, taken, or instituted.

SEC. 8. All laws contravening the provisions of this act, or fixing other or different times for the holding of said circuit court, and for creating separate criminal terms thereof, be, and the same are hereby repealed. This act shall apply only to the county of Marion, and be in force from and after its passage, and shall be a public act.

CHAPTER CVIII.

AN ACT relative to the practice of law.

(APPROVED FEBRUARY 5, 1851.)

SECTION

1. Judgment for costs shall be rendered against plaintiff, in certain cases.

SECTION

2. Suits to which this act shall apply.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all actions where the damages sought to be recovered are of an unliquidated character, whether arising *ex contractu* or *ex delicto*, it shall be lawful for the defendant or defendants, or in case of severance, for any defendant, at any time before going into trial, to offer in writing to confess judgment in favor of the plaintiff or plaintiffs for any sum, and for the costs that have accrued to the time of such offer; and in case such offer shall be accepted, then judgment shall be accordingly rendered; and in case such offer is not accepted, and the plaintiff or plaintiffs fail to recover in such action any sum beyond the amount so offered, then it shall be the duty of the court trying such case to render judgment for the plaintiff for the sum so recovered, and costs of suit up to the time of such offer, and for the balance of the costs judgment shall be rendered against the plaintiff or plaintiffs, as the case may be: *Provided, however*, That such offer, if not accepted, shall not be deemed or taken as any admission of liability on the part of him or them making the same.

SEC. 2. This act shall apply to all actions of like character prosecuted in any court of inferior jurisdiction, and also in cases of appeal, where such offer was not made in such court of inferior jurisdiction.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CIX.

AN ACT to repeal an act entitled "an act to regulate the practice of law in the Lagrange Circuit Court," approved February 16, 1848.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Act concerning practice of law in Lagrange circuit court, repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to regulate the practice of law in the Lagrange circuit court," approved February 16, 1848, be, and the same is hereby repealed.

SEC. 2. The act to be in force from and after its passage, and the filing of a certified copy thereof in the clerk's office of the Lagrange circuit court.

CHAPTER CX.

AN ACT fixing the per diem pay of members of the Legislature.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Pay of members of the General Assembly.

SECTION

2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the members of the General Assembly shall receive three dollars per day for their attendance upon the same, exclusive of the present session, and three dollars for every twenty-five miles they shall severally travel, on the most usually traveled road, in going to and returning from the general assembly.

SEC. 2. So much of an act entitled "an act to reduce the salaries of governor of state and other officers," approved December 14, 1843, and of all other acts as conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXI.

AN ACT to extend the provisions of article No. 1, of chapter No. 42, of the Revised Statutes of 1843.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Lien of sub-contractors building or working on steamboats.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of article number one, of chapter number forty-two, of the revised statutes of 1843, be, and the same are hereby extended to sub-contractors building or working on steamboats, so as to give them the same lien for their services on said boats that mechanics now have on buildings.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXII.

AN ACT to regulate the sale of spirituous liquors in the county of Tippecanoe.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. County board shall fix tax on retailers of spirituous liquors in Tippecanoe county.
2. Applicants for license shall make statement, under oath, of amount of capital invested—licenses not granted for a less term than one year, and not transferrable.
3. County auditor may grant a permit till meeting of county board—duty of person receiving permit.
4. Additional tax imposed on retailers in the town of Lafayette.

SECTION

5. Penalty for retailing spirituous liquors without license.
6. Docket fee of prosecuting attorney—of framing indictments.
7. What proof will be sufficient to produce a conviction.
8. Marshal or sheriff shall demand inspection of license of persons engaged in retailing spirituous liquors in Lafayette—penalty for refusing to exhibit license.
9. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board doing

county business in the county of Tippecanoe, to fix a tax of not more than twenty-five dollars, nor less than five dollars on any person or persons who sell spirituous liquors in said county by a less quantity than one quart at a time; and in fixing the tax contemplated in this act, the said board of commissioners shall take into consideration, and be governed by the amount of capital invested, and the liability of the person or persons retailing spirituous liquors.

SEC. 2. When any person makes application to said board for a license to retail spirituous liquors in said county of Tippecanoe, it shall be the duty of said board to require the applicant to give in the amount of capital invested, and the said board may require the applicant to appear at each term of said commissioners court, and give in the amount of capital he has invested in said traffic, under oath, from which, and other circumstances, the board as [may] determine the amount of tax to be assessed, which, when paid, shall entitle the applicant to a license to retail spirituous liquors in said county: *Provided*, No license shall be granted for a less term than one year, and shall not be transferrable.

SEC. 3. The auditor of said county of Tippecanoe may grant a permit to any person to retail spirituous liquors in said county, to run till the next meeting of the board, but no longer; and should any person having such permit fail, neglect, or refuse to procure a license of said board at their first meeting after the granting of said permit, it shall not be lawful for the auditor to grant a second permit to any such person, nor to any other person for his benefit. When application is made to said auditor for a permit, he shall be governed by the same rules laid down for the government of the county board in such cases.

SEC. 4. When any person shall procure a license or permit to retail spirituous liquors as aforesaid, within the corporate limits of the town of Lafayette, it shall be the duty of such person to go immediately to the marshal of said town and exhibit to him such license or permit, and pay to said marshal, for the use of the corporation of said town, a sum equal to one-half the tax assessed by the board of commissioners (or the auditor, as the case may be) and take such marshal's receipt for the same, after which, and not before, such person shall be authorized to retail spirituous liquors within the corporate limits of said town of Lafayette: *Provided*, The said board may, if they shall deem it just, increase the said tax on retailers of spirituous liquors at any regular meeting of said board, which increase shall not in all exceed the sum specified in the first section of this act.

SEC. 5. Should any person directly or indirectly sell or barter any spirituous liquors by a less quantity than one quart at a time in said county, or within said corporate limits of the town of Lafayette without a license to do so as aforesaid, such offender shall forfeit and pay a sum not less than twenty dollars nor more than five

hundred dollars, to be recovered by indictment in the Tippecanoe circuit court, to which may be added imprisonment in the county jail not more than sixty days, in the discretion of the court or jury trying the case.

SEC. 6. In all convictions under this law the prosecuting attorney shall be allowed a docket fee of ten dollars; and in framing indictments it shall only be necessary to allege that the defendant has retailed spirituous liquors in said county without complying with the provisions of this law.

SEC. 7. In all prosecutions under this law, proof that the defendant is the keeper of a grocery or a tavern, and to all appearances engaged in retailing spirituous liquors by a less quantity than one quart at a time, will be sufficient to produce a conviction.

SEC. 8. It shall be the duty of the marshal of said town of Lafayette, or in the absence of said marshal, the duty of the sheriff of said county of Tippecanoe, to demand of each person engaged in retailing spirituous liquors in said corporation, at least once in every three months, an inspection of their license; and on failure to produce the same, the said marshal (or sheriff) shall require such person to give bond and good security in the penal sum of one hundred dollars, conditioned for his appearance at the next term of the circuit court, and then and there answer any indictment that may be preferred against him in said court for a violation of the provisions of this act, which bond such marshal or sheriff is authorized to take, and when taken he shall file the same in the office of the clerk of said circuit court; and should any person fail to give such bond, he shall be immediately committed to the jail of said county by said marshal or sheriff, and there to remain until discharge by giving such bond, or by due course of law.

SEC. 9. This act shall be deemed a public act, and shall be in force from and after its publication in said county of Tippecanoe. And all acts and parts of acts coming in conflict with any of the provisions of this law, be, and the same are hereby repealed: *Provided*, Such repeal shall not affect any suit or suits now pending, civil or criminal, under any law by this act repealed.

CHAPTER CXIII.

A preamble and act in reference to vending spirituous liquors in Green township, in Hancock county.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Act of January 21, 1850, repealed—
other acts revived.
2. How license may be obtained to vend

SECTION

- spirituous liquors in Green township,
Hancock county.
3. How and when this act shall take effect.

WHEREAS, A majority of the citizens of Green township, in Hancock county, have petitioned the legislature for the passage of a law prohibiting the sale of spirituous liquors to minors, drunken men, and on the Sabbath; and further praying, that all persons who vend such liquors in said township shall be required first to procure a license therefor; wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act in relation to tavern and grocery license in Hancock county," approved January 21, 1850, be, and the same is hereby repealed in the township of Green, in said county; and all acts and parts of acts repealed by said act, are hereby revived and declared to be in full force in said township in said county.

SEC. 2. The acts and parts of acts hereby revived and declared to be in force in said township, in said county, are hereby so amended that no person shall be licensed to vend spirituous liquors in said township unless he shall procure a petition therefor, as provided by law, signed by at least twenty-five freeholders resident in said township, and have paid to the treasurer of said county, for the use of the common schools in said township, at least twenty-five dollars; and all moneys thus received by said treasurer shall be subject to be drawn and appropriated as other school moneys in said township.

SEC. 3. This act to take effect and be in force as follows: It is hereby made the duty of the inspector of elections in said township, at the next April election, by public outcry, to give notice that votes will be taken at such election for the purpose of adopting or rejecting this act, and prepare for and count all the votes taken, which vote shall be by ballot; if in favor of this act, the words "for license," if opposed to this act, the words "no license" shall be written on the backs of the tickets or ballots, and those ballots only shall be counted on the question of the adoption of this act which are thus marked. If a majority of the votes marked as above provided shall be "for license," then this act shall be in full force in said township of Green, in said county.

CHAPTER CXIV.

AN ACT to repeal "an act to regulate the retailing of spirituous liquors in the county of Kosciusko," approved January 19, 1850.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Act of January 19, 1851, repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to regulate the retailing of spirituous liquors in the county of Kosciusko," approved January 19, 1850, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXV.

AN ACT to prevent intemperance in Wayne township, in the county of Henry.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Sale of intoxicating liquors prohibited
in Wayne township, Henry county.

SECTION

2. Penalty for violating provisions of this
act.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act it shall not be lawful for any person to sell, barter, or exchange to any person or persons within the limits of Wayne township, in the county of Henry, any spirituous or intoxicating liquors whatsoever, except for chemical, sacramental, medicinal, and scientific purposes: *Provided, however*, That cider and beer shall not be considered as coming within the provisions of this act.

SEC. 2. Any person who shall violate the provisions of this act, upon conviction thereof before any justice of the peace of said township, who is hereby invested with full and ample jurisdiction to hear and determine the same, or upon presentment or indictment in the

circuit court of said county, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 3. This act shall take effect and be in force from and after its passage; and all laws conflicting with the provisions of this act, so far as the same relates to Wayne township, are hereby repealed, and this is hereby declared to be a public act.

CHAPTER CXVI.

AN ACT to repeal "an act to prohibit the sale of intoxicating drinks in Blue River township, Johnson county," approved January 21, 1850.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Act of January 21, 1850, repealed, and certain laws re-enacted.

SECTION

2. Liabilities incurred, or prosecutions commenced, not affected by this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to prohibit the sale of intoxicating drinks in Blue River township, Johnson county," approved January 21st, 1850, be, and the same is hereby repealed; and all laws repealed by the act in this section mentioned, so far as said Blue River township is concerned, are hereby re-enacted and declared in force in said township.

SEC. 2. No liability incurred or prosecution commenced under the act hereby repealed, shall in any way be affected by the passage of this act.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXVII.

AN ACT in relation to the sale of spirituous liquor in Johnson county.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Persons not liable to prosecution for sale of spirituous liquors, in certain cases, in Johnson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person shall be liable to any prosecution whatever for the sale of spirituous or intoxicating liquors by a less quantity than a quart at a time, when such sale is made, *bona fide*, for medical, mechanical, or sacramental purposes only.

SEC. 2. This act to take effect and be in force in the county of Johnson from and after the passage and publication thereof.

CHAPTER CXVIII.

AN ACT to prohibit the sale of intoxicating drinks in the town of Middletown, Henry county.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Sale of intoxicating liquors prohibited in Middletown and vicinity.

SECTION

2. Penalty for violation of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall not be lawful for any person or persons to sell or barter any intoxicating liquors (except for medical, mechanical, or sacramental purposes) in any quantity in the town of Middletown, or within one mile thereof.

SEC. 2. Every person who shall be found guilty of a violation of the provisions of the foregoing section, shall be deemed guilty of keeping a public nuisance, and upon conviction thereof, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

SEC. 3. This act to be in force from its passage and publication.

CHAPTER CXIX.

AN ACT to amend an act entitled "an act to prohibit the sale of spirituous liquors in Adams, Fall Creek, and Anderson townships, in Madison county by a less quantity than thirty gallons," approved January 17, 1849.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Acts of January 17, 1849, and January 16, 1849, amended so far as the

SECTION

same apply to Anderson township, in Madison county.
2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the act above, in the title hereof referred to, be, and the same is hereby so amended, so far as the same applies to Anderson township, in Madison county, as to give the justices of the peace in said township individually, exclusive original jurisdiction of all violations of the provisions of the act to which this act is an amendment, occurring in said township, and the third, fourth, and fifth sections of an act entitled "an act to define the jurisdiction of justices of the peace in the several counties therein named," approved January 16, 1849, are hereby extended to the justices of the peace in said township of Anderson, in such cases: Provided, Nothing in this act shall be so construed as in anywise to affect any prosecution or indictment now pending in any court.*

SEC. 2. All acts contravening the provisions of this act, so far as Anderson township is concerned, are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXX.

AN ACT to prohibit the sale of intoxicating drinks in the county of Randolph.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Sale of spirituous liquors, in quantities less than thirty gallons, prohibited in Randolph county.

SECTION

2. Penalty for violating provisions of this act.
3. How and when this act shall take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall not be lawful for any person or persons, directly or indirectly, to sell or barter spirituous liquors, wine, or strong beer, by a less quantity than thirty gallons at a time, within the county of Randolph, except for medicinal, mechanical, or sacramental purposes.*

SEC. 2. Any person or persons violating the provisions of this act, for every such violation, upon conviction thereof, either upon presentment or indictment in the circuit court, or upon complaint before any justice of the peace, and by such justice found guilty, shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

SEC. 3. At the April election in each year the inspector and judges of elections in each township in said county, shall ask each voter whether for or against retailing liquors, and shall cause the answer, whether for or against, to be noted, and if the majority of the votes given in any township is against retailing spirituous liquors, this act shall be deemed in full force in such township or townships, and in case the majority of any township shall vote in favor of retailing, this act shall not be in force or applicable to such township.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXXI.

AN ACT in relation to the sale of spirituous liquors in Jefferson township, in Wayne county.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Sale of spirituous liquors prohibited in Jefferson township, Wayne county.

SECTION

2. Penalty for violating provisions of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act it shall not be lawful for any person or persons to sell, barter, or exchange to any person or persons within the limits of Jefferson township, in the county of Wayne, any spirituous or intoxicating liquors whatever, except for chemical, medicinal, and scientific purposes.

SEC. 2. Any person or persons who shall violate the provisions of this act, upon conviction thereof before any justice of the peace of said township, who is hereby invested with full and ample jurisdiction to hear and determine the same, or upon presentment or indictment in the circuit court of said county, shall be fined in any sum not less than three nor more than twenty-five dollars.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXII.

AN ACT to prohibit the traffic of intoxicating liquors in the town of Columbus.

[APPROVED FEBRUARY 6, 1851.]

SECTION

1. Spirituous liquors shall not be sold in Columbus, unless authorized by vote of citizens—provided manufacturers

SECTION

may sell, in quantities not less than one barrel.

2. Penalty for violating provisions of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for any person or persons to sell,

barter, or exchange, directly or indirectly, to any person or persons within the corporate limits of the town of Columbus, in the county of Bartholomew, in any quantity whatever, any spirituous or intoxicating liquors whatever, except for medical, mechanical, scientific, or sacramental purposes, unless the qualified voters thereof, at their annual election for president and trustees of said town, shall express in their tickets the word license; no vote shall be counted except it be cast for or against license: *Provided, however,* That nothing contained within the provisions of this section shall prohibit any person or persons now having license for a specified time, from selling, bartering, or exchanging, within the corporate limits of said town, during the continuance of said license. *And provided further,* That the provisions of this act shall not be construed to prevent the manufacturers of spirituous liquors from selling, bartering, or exchanging the same in any quantity not less than one barrel.

SEC. 2. Any person or persons violating any of the provisions of this act, shall, upon conviction thereof, be subject to all the penalties now by law imposed upon retailers of spirituous liquors without license.

SEC. 3. This act shall be deemed a public act, and be in force from and after its passage.

CHAPTER CXXIII.

AN ACT to regulate the sale of spirituous liquors in Jackson county Indiana.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Voters of townships in Jackson county may vote for or against retailing spirituous liquors.
2. Officers of election shall certify vote to county auditor, who shall lay the same before county board.

SECTION

3. Spirituous liquors shall not be retailed in townships where voters decide against it.
4. Penalty for violation of this act.
2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the qualified voters of the several townships in the county of Jackson, at their annual April or spring elections, to vote for or against the granting of license to retail spirituous liquors in the townships where such voters reside.

SEC. 2. And if a majority of all the votes given at such election for and against such license shall be against the granting thereof, it shall then be the duty of the officers of such election forthwith to certify that fact to the county auditor of said county in writing, under their hands, and whose duty it shall be to lay the same before the board doing county business at their next succeeding term.

SEC. 3. After the voters of any township shall have decided against the granting of license for the purpose, and as in this act specified, it shall not be lawful for any person, board doing county business, body corporate or politic, to grant a permit or license to retail spirituous liquors in such township for one year next succeeding such election, to any person or persons whomsoever.

SEC. 4. Every officer of such election, every auditor or person doing the business of county auditor, or any member of the county board, or body politic or corporate giving his assent to any license or permit granted in violation of this act, shall be guilty of malfeasance in office, and on conviction by presentment or indictment in the circuit court, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 5. All acts and parts of acts coming in conflict with this act, be, and the same are hereby repealed.

SEC. 6. This act to be in force and take effect from its passage and publication in the [Indiana] State Sentinel.

CHAPTER CXXIV.

AN ACT to authorize the Governor, Auditor, and Treasurer of State to borrow money to pay the interest due on the funded debt on the first day of July next, and defray the expenses of the Constitutional Convention.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Governor, auditor, and treasurer authorized to borrow money.
2. Money shall be repaid by the first of April, 1852.
3. Appropriations for constitutional con-

SECTION

- vention and legislature—additional loan authorized.
4. Money borrowed under authority of third section shall be repaid by the first of April, 1852.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the governor, auditor, and treasurer of state be

authorized to borrow from the branches of the State Bank of Indiana any sum of money not exceeding one hundred and sixty thousand dollars, which sum, when so borrowed, shall be appropriated to the payment of the installment of interest due on the funded debt on the first day of July next.

SEC. 2. That said money shall be repaid to such banks as may lend the same, out of any money in the treasury at any time unappropriated, and the whole shall be refunded by the first day of April, 1852.

SEC. 3. That there be hereby appropriated to the payment of the expenses of the constitutional convention a sum of not exceeding fifty thousand dollars, out of any moneys in the treasury not otherwise appropriated: *Provided*, That there shall first be set aside an amount sufficient to defray the expenses of the legislature and the ordinary expenses of the state. And in case of a deficit, the same shall be made up by a loan, as provided in the first section of this act.

SEC. 4. That the money so borrowed under the provisions of the preceding section shall be repaid to such branches as may lend the same, out of any money in the treasury not otherwise appropriated, and that the same shall be repaid by the first day of April, 1852.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXXV.

AN ACT to provide for the incorporation of subordinate lodges of the Independent Order of Odd Fellows.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Subordinate lodges may be incorporated—proceedings before incorporation.
2. Every lodge may acquire and hold

SECTION

property to the amount of fifty thousand dollars—may have and use common seal, &c.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That all subordinate lodges of the Independent Order of Odd Fellows of the state of Indiana that may have been, or hereafter

shall be instituted regularly under a charter granted by the Grand Lodge of said order in said state, be, and the same are hereby constituted bodies corporate and politic by the name and description of ——— Lodge No. ——— of the Independent Order of Odd Fellows of the State of Indiana, and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction: *Provided*, That before any such lodge shall become incorporated under this act, such lodge shall so determine by a vote thereof at a regular meeting, which vote and determination shall be certified under the hands of the N. G. of such lodge, attested by the S. thereof to the clerk of the circuit court of the county in which such lodge is situated, and by him recorded in the order book of said county.

SEC. 2. That every such lodge may acquire by purchase, gift, grant, or devise, any personal, real, or other property not exceeding in value the sum of fifty thousand dollars, and may hold, enjoy, improve, lease, rent, sell, and convey, the same, and may have and use a common seal, and may from time to time elect trustees to manage, lease, sell, and convey their property in manner as the rules and regulations of the order or the by-laws of such lodge may require.

SEC. 3. This act shall be in force from and after its passage, and shall be deemed a public act.

CHAPTER CXXVI.

AN ACT to repeal an act entitled "an act relative to Overseers of the Poor," approved January 15, 1844, so far as relates to the county of Clay.

[APPROVED JANUARY 21, 1851.]

SECTION

1. Voters of townships of Clay county may elect overseers of the poor.

SECTION

2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of the several townships of Clay county, Indiana, to elect on the first Monday of

April next, at their usual place of holding elections in their respective townships, two overseers of the poor for each township, and annually thereafter, who shall serve as such, and be governed in all respects by the law now in force.

SEC. 2. That so much of any law or laws of this state authorizing justices of the peace of Clay county to serve as overseers of the poor, is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXVII.

AN ACT in reference to the poor of Wayne township, Allen county, Indiana.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. Township trustees of Wayne township, Allen county, shall employ physicians for poor of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the township trustees of Wayne township, Allen county, Indiana, shall hereafter employ, for the benefit of the poor in said township, two experienced physicians, upon such terms as to them may seem advisable, whose duty it shall be to give all the medical attendance necessary for the poor in said township, under the direction of the overseers thereof; and the trustees of said township shall not hereafter be liable for the services of any other physician in reference to said poor, unless the same shall be rendered by their direction.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXVIII.

AN ACT regulating the license of traveling peddlers in the county of Dearborn.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Tax on retail traveling merchants and peddlers, in Dearborn county.
2. Meaning of "traveling merchants" or "peddlers."
3. Venders of certain articles, excepted.
4. License shall be procured from county auditor, and shall contain name of vender.
5. Duty of certain county officers—penalty for violations of this act.

SECTION

6. Fines shall be paid into common school fund.
7. One half of penalty shall go to complainant, in certain cases.
8. Proceedings in prosecutions under this act.
9. Suits shall be commenced by capias returnable forthwith—property subject to execution.
10. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and paid into the county treasury of the county of Dearborn, for county purposes, the following: for each license to retail traveling merchants and peddlers, the annual sum of not less than twenty-five nor more than fifty dollars, which shall duly authorize such retail merchant or peddler to sell goods, wares, and merchandize in the county where such license is obtained.

SEC. 2. The term traveling merchants or peddlers, as used in this act, shall be construed to include every itinerant and unsettled person retailing any foreign or domestic goods, merchandize, or jewelry.

SEC. 3. This act shall not extend to venders of agricultural instruments, or implements of husbandry, or venders of pottery or earthen ware, nor to persons vending tin ware manufactured in this state, or to any articles exclusively manufactured by such vender which shall have been manufactured within the state.

SEC. 4. Such license shall be procured from the proper county auditor, and shall not authorize any such person to vend any such goods, wares, or merchandize, unless the name of the person so vending shall be inserted in such license.

SEC. 5. It shall be the duty of the county auditor, treasurer, clerk, sheriff, and each and every justice of the peace, and constables, and other officers acting in and for said county, to see that licenses are procured and paid for by those who should obtain the same; and on neglect or refusal of any such person to obtain such license before selling any article of merchandize as aforesaid, he, she, or they, shall be liable, for every such offense of selling at retail, to an action, in the name of said county treasurer, for the sum of fifty

dollars, before any court having jurisdiction thereof; and it shall be the duty of the above named officers, or any of them, to cause suit to be instituted immediately, in the name of the proper treasurer, in an action of debt for the said sum of fifty dollars.

SEC. 6. Upon recovery of the penalty in the last section prescribed, the whole amount of such money so recovered shall be paid into the common school fund of said county.

SEC. 7. It shall be lawful for any person other than the officers above named to enter complaint against any person for a violation of this act, and upon recovery of the penalty in the fifth section prescribed, one half of the amount so recovered shall be for the benefit of the complainant, and the other half shall be paid into the common school fund aforesaid.

SEC. 8. That in all prosecutions for the violation of this act, it shall only be necessary to allege in the cause of action, that the defendant is indebted to the county treasurer in the sum of fifty dollars for vending merchandize contrary to law; and in all prosecutions under this act no suit shall be dismissed or abated for any defect or omission in the process or pleadings, either in the name of the defendant or otherwise, but the same shall be amended from time to time as may be necessary, and a single act of selling shall, when proven, authorize a recovery against such traveling merchant or peddler in all trials for violating the provisions of this act, if it shall appear in evidence that the defendant failed to produce and show his license upon being requested to do so by any of the officers named in the fifth section of this act, or any other person entitled to demand the same, such failure to produce and show such license shall be evidence that such defendant had no license at the time of the vending complained of, and no subsequent exhibition of his license, after the issuing of the process in any prosecution under this act, or a proof of a license upon the trial of the cause shall be of any avail nor constitute any defense to said defendant on the trial of any such case.

SEC. 9. All suits instituted under this act shall be commenced by capias, returnable forthwith, which shall issue as a matter of course upon the filing of a cause of action, as prescribed by the eighth section of this act; and if, after trial, judgment shall be rendered against the defendant, the wagon, horses, goods, wares, and merchandize in his possession, used in carrying on said trade, shall be immediately subject to execution to satisfy said judgment and costs.

SEC. 10. All laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage, so far as the county of Dearborn is concerned.

CHAPTER CXXIX.

AN ACT in relation to plank roads.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Repeal or modification of certain acts respecting plank roads, shall not affect the rights of certain organized companies.
2. Persons liable to penalties.

SECTION

3. First section of act of January 15, 1849, amended.
4. Thirteenth section of act of January 15, 1849, amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the repeal or modification of an act entitled "an act authorizing the construction of plank roads," approved January 15, 1849, or any other act relative to plank roads, shall not in any manner affect the rights, privileges, or immunities of any company which has been or may be organized before such amendment or repeal; but all such companies may continue to possess and enjoy all their rights, privileges, and immunities the same as if no such repeal or amendment had been made.

SEC. 2. If any person or persons shall travel upon any part of any plank road leading to any point or points to which he or they may be traveling, and shall pass through or along any other road or roads, to get to such point or points, without first paying his or their toll, and with intent to defraud such plank road company, he or they shall be liable to the penalty in such case made and provided.

SEC. 3. That the first section of said act, approved January 15, 1849, be, and the same is hereby so amended as to authorize copies of the articles of association to be filed and recorded according to the provisions of said section, whenever the stock subscribed amounts to six hundred dollars per mile of the proposed road.

SEC. 4. That section thirteen of the said act, approved January 15, 1849, be, and the same is hereby so amended as to allow the directors of any plank road company which has been or may be organized under said act, to erect toll gates and exact tolls pursuant to the provisions of said act whenever two consecutive miles of such road shall have been completed.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER CXXX.

AN ACT in relation to the pay of Austin H. Brown, printer to the Constitutional Convention of Indiana..

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Auditor of state shall audit accounts made by constitutional convention—how price of printing shall be ascertained—proviso concerning claim of state printer or his assignees.

SECTION

2. E. W. H. Ellis and J. S. Spann authorized to bring suit against the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of state be, and he is hereby authorized and required to audit the accounts made by the constitutional convention of this state now in session, upon the certificate of the president thereof, which certificate of the president of the convention shall particularly specify the object of each allowance, and the person or persons in whose favor the same is made: *Provided,* That the aggregate price for printing shall be ascertained in the manner prescribed by the law regulating the measurement of the state printing. *And provided further,* That nothing herein contained shall be so construed as to operate against the claim of Jacob P. Chapman, the state printer, or his assignee or assignees, if any he or they have against the state.

SEC. 2. That Erastus W. H. Ellis and John S. Spann, the assignees of Jacob P. Chapman, state printer of the state of Indiana, be, and they are hereby authorized to bring suit against the state of Indiana in the Marion circuit court, in accordance with the provisions of chapter 45, of the general laws of 1840, page 66, for such damages, if any, as they may have sustained in consequence of the printing of the constitutional convention being withheld from them.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXI.

AN ACT to authorize the printing of reports of Commissioners of the Indiana Hospital for the Insane, and the Trustees of the institutions for the education of the blind, and deaf and dumb.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Officers of state benevolent institutions shall severally make reports to legislature.

SECTION

2. Said officers shall cause a certain number of their reports to be printed at expense of the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the commissioners of the Indiana Hospital for the Insane, the trustees for the Indiana Institute for the education of the Blind, and of the Deaf and Dumb Asylum, to make reports of the progress, management, and general condition of their several institutions to the general assembly at each of the successive meetings thereof.

SEC. 2. Said commissioners and trustees shall procure, to be printed in pamphlet form at the expense of the state, three thousand copies of each of said reports—one-half for the use of said several institutions, and the other half for the use of the general assembly—to be furnished to the members thereof during the first week of the session.

CHAPTER CXXXII.

AN ACT to repeal an act therein named, and to revive the statutes of 1843 relative to the election of Prosecuting Attorneys.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Act of January 27, 1847, repealed.
2. Certain laws relating to election of

SECTION

prosecuting attorneys revived—term of office.
3. Time of holding first election.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to provide for the election of prosecuting attorneys by the people in the several counties," approved January 27, 1847, be, and the same is hereby repealed.

SEC. 2. That so much of an act entitled "an act to provide for the election of prosecuting attorneys by the people," approved February 11, 1843, and so much of an act entitled "an act to provide for the appointment of circuit prosecutors and defining their duties," approved January 20, 1831, as is repealed by the act referred to, and repealed by the first section of this act, be, and the same are hereby revived and declared to be in full force. That said prosecutors shall hold their said offices for the term of two years from and after their election, and until a successor is elected and qualified.

SEC. 3. The first election under the provisions of this act shall be at the first annual election after its passage. This act to be taken and deemed to be a public act, and to be in force from and after its passage.

CHAPTER CXXXIII.

AN ACT for the relief of persons who are likely to suffer by the destruction of the records of Sullivan county.

[APPROVED JANUARY 31, 1851.]

SECTION

1. Board of commissioners of Sullivan county shall appoint commissioner to receive evidence for the purpose of perpetuating testimony concerning records destroyed by fire.
2. Commissioner shall take oath to discharge his duty—may appoint clerk.
3. Commissioner shall give notice of time and place of receiving evidence.
4. Duties and powers of commissioner, in holding "the relief court of Sullivan county"—compensation, and incidental expenses, how paid—sheriff shall serve all process directed to him—fees therefor.
5. Commissioner shall enter of record all proper evidence relating to any instrument of writing, or record, destroyed by fire.
6. Notice shall be given to parties to be affected by perpetuation of testimony.
7. Records of commissioner may be read in evidence in any court of this State.
8. Certain affidavit shall be made by persons who desire to perpetuate testimony.
9. Duty of county recorder, and his fees in certain cases.
10. Testimony taken before commissioner shall be recorded in separate and appropriate books—certificate to be ap-

SECTION

11. Tenure of office of commissioner—vacancy, how filled.
12. Assessment of taxes, &c., for 1850, legalized.
13. Duty of circuit and probate courts of Sullivan county, in certain cases.
14. Defendants may, by proper plea, deny the fact of burning—issue may be tried by jury, or by court—how court and jury shall render verdict and give judgment.
15. Fees, due officers and witnesses, may be re-taxed—parties aggrieved may have remedy.
16. "The board of commissioners of the county of Sullivan" may sue for the recovery of moneys borrowed from trusts funds of said county.
17. Maps and plats of school lands shall be re-drawn.
18. County auditor shall procure list and maps of certain lands—further duty of county auditor.
19. Former and present sheriffs and clerks of Sullivan county, shall be competent witnesses in certain cases, arising under this act.
20. Duty of secretary of state.

WHEREAS, On or about the seventh day of February, 1850, the court house, and most of the records, books, and papers appertaining to the offices of the clerk of the circuit and probate courts, auditor, treasurer, and school commissioner, and agent for loaning the surplus revenue of Sullivan county, were destroyed by fire; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of perpetuating testimony of, or relating to any judgments, orders, decrees, or other proceedings of the circuit or probate courts of the county of Sullivan, existing previous to the destruction of the records of said county by fire, and for the

purpose of perpetuating testimony concerning of or relating to any patents, deeds, mortgages, bills of sale, powers of attorney, wills, inventories, or other instruments of writing of record in the books of the recorder of said county, and destroyed as aforesaid, or any records, orders, acts, or proceedings of the board of commissioners of said county, or any assessments, tax lists, duplicates, or other records, documents, or proceedings appertaining to the offices of auditor or treasurer of said county, and destroyed as aforesaid, the board of commissioners of said county are hereby authorized and required to appoint a commissioner to receive evidence of and concerning any of the matters aforesaid, at the instance of any person who may wish to have such testimony perpetuated.

SEC. 2. The said commissioner, previous to entering upon his duties as such, shall take an oath before some person authorized to administer oaths, faithfully and impartially to discharge his duty according to the provisions of this act, and shall have power, if he deem it necessary, to appoint a clerk, whose duty it shall be to keep a fair and impartial record of all proceedings had before said commissioner, who shall take the oath as above prescribed before entering upon his duties as such clerk, and if said commissioner shall deem the appointment of a clerk unnecessary, he shall keep such record.

SEC. 3. The said commissioner shall, before proceeding to discharge his duty as such, give at least three weeks' notice, by publication in a newspaper printed and published in said county of Sullivan, if any such there be, and if not, in an adjoining county, and by putting up a written or printed notice at the place of holding elections in each township in said county, giving notice of the time and place, in the town of Sullivan, in said county, when he will proceed to perform the duties required by this act.

SEC. 4. Said commissioner shall proceed, at the time and place specified in said notice, to open and hold a court, to be called "the relief court of Sullivan county," for the transaction of the business specified in this act, and shall have power to adjourn from time to time as long as may be necessary for the performance of his duties, and he is hereby invested with all the authority necessary to carry into effect the intention of this act, to punish contempts during the transaction of business, to administer oaths, issue subpoenas, and compel the attendance of witnesses under the same penalties by which they are compelled to attend the circuit court; and the said commissioner and clerk shall receive such compensation per day for their services, while necessarily employed in attending to their duties as such commissioner and clerk, as shall be ordered by the board doing county business in said county at the time of appointing said commissioner, and if the said board shall think it expedient it may from time to time alter the compensation of said commissioner, which sums, and all expenses of books, publication of notices, paper, and stationery, shall be paid out of the county treasury; and it is

hereby made the duty of the county auditor to audit said expenses and issue his warrant on the county treasurer therefor. The parties concerned in any proceeding before said commissioner shall pay their own witnesses at the same rate that witnesses are paid for attending the circuit court. It is hereby made the duty of the sheriff of said county to serve all process directed to him by said commissioner or his clerk, for which he shall be paid the fees allowed by law, to be paid by the party requiring his services: *Provided*, That parties may serve their own process in all cases.

SEC. 5. After having given notice as aforesaid, said commissioners shall, on motion of any person, in person or by attorney, proceed to enter of record all proper evidence which may be offered, tending to show the existence, amount, date, and all other facts relating to and explanatory of any judgment, decree, execution, sheriff's return, order, or proceeding of said circuit or probate court, the record of which may have been destroyed as aforesaid, and also all evidence which may be offered concerning or relating to any patents, deeds, mortgages, bills of sale, powers of attorney, wills, or other instruments of writing authorized by law to be recorded in the recorder's office of said county, the original record of which may have been destroyed as aforesaid, and also all evidence relating to any of the proceedings of the board of commissioners of said county, or of any assessments, tax lists, duplicates, or other records, documents, or proceedings appertaining to the offices of the auditor, treasurer, or school commissioner of said county, and destroyed as aforesaid.

SEC. 6. Before proceeding to hear such evidence, the party seeking to perpetuate such testimony shall give to the party or parties to be affected thereby at least ten days' notice, in writing, of such intended proceedings, if such parties reside in the same or an adjoining county, which written notice may be served in the manner prescribed by law for giving notice to take depositions in courts of record.

SEC. 7. The records of said commissioner, or transcripts of the same, certified by him or his clerk, or by any person authorized by law to give certified copies of the same, shall be read in evidence in any court in this state where circumstances require it.

SEC. 8. Before any person shall proceed to perpetuate testimony before such commissioner in relation to any instrument proper to be recorded in the recorder's office of said county, he shall file with said commissioner the affidavit of himself, or of some person on his behalf, that the original patent, deed, or other instrument, was destroyed by the burning of the court house of said county, as mentioned in the preamble of this act, as the deponent verily believes.

SEC. 9. The recorder of said county is hereby authorized and required to record all instruments of writing proper to be recorded in said office, pursuant to any laws of this state now or heretofore exist-

ing, upon the production to him of any such instrument, with the certificate thereon or endorsement thereon of the present or any former recorder of said county that the same had been recorded; said recorder shall also record said certificate immediately following the record of said instrument, and such new recording shall be evidence in like manner and shall have the same force and effect of the original recording of said instrument as stated in said certificate; and for such recording the said recorder shall be paid one half the fee allowed by law for recording like instruments in similar cases.

SEC. 10. All testimony taken by said commissioner in relation to records and proceedings of the circuit and probate courts of said county, shall be kept in a separate book or books prepared for that purpose, and all testimony taken as aforesaid in relation to instruments proper to be recorded in the recorder's office of said county, shall be kept in another book or books prepared for that purpose, and all testimony taken by said commissioner in relation to proceedings of the board of commissioners of said county, or any assessments, tax lists, duplicates, or other records, documents, or proceedings appertaining to the offices of auditor, treasurer, school commissioner, or surplus revenue agent of said county, shall be kept in a separate book or books prepared for that purpose, and at the close of the business of said commissioner he shall append to each of said books his certificate, which shall be countersigned by his clerk, if he have any, stating that the records contained therein are the proceedings had by and before him by virtue of this act, and shall deposit the first set of books above mentioned in the office of the clerk of the circuit and probate courts of said county, and the second set of said books above named shall be deposited in the office of the recorder of said county, and the third set of books shall be deposited in the auditor's office of said county, where the same shall forever remain, and shall thereby become a part of the records of said offices respectively, and such clerk of the circuit and probate courts, recorder and auditor, may give certified transcripts of any of said records appertaining to their offices respectively, which shall have the same force and effect as other records and proceedings certified by them.

SEC. 11. Said commissioner shall continue in office during the pleasure of the board doing county business in said county, and in case of death, resignation, or removal from office of said commissioner, the said board shall have power to fill such vacancy.

SEC. 12. The assessment of taxes made in and for said county of Sullivan for the year 1850, is hereby legalized, and the duplicate thereof in the hands of the treasurer of said county, is hereby declared to have the same force and effect as the proper duplicate made out in every respect conformably to law.

SEC. 13. The Sullivan circuit and probate courts, in term time, are hereby authorized and required, on motion of any person, by himself or attorney, on satisfactory evidence being produced that

such person had a judgment, final order, or decree in such court, the records of which have been destroyed or burnt, to cause such judgment to be re-entered and recorded as of the former date, and the legal representatives of any person deceased may in like manner, on like proof being produced that such decedent had a judgment, final order, or decree in such court, the record of which has been destroyed as aforesaid, have such judgment, order, or decree re-entered as of such former date, and such judgment, when so re-entered, shall continue to have all the lien and be of the same force and effect of such original judgment. The judgment debtor shall have at least ten days' previous notice of such intended motion by leaving with such party, or at his residence in that state, a written notice of said intended motion, a copy of which shall be presented in court and due proof of the service thereof made, if the party so served does not appear to said motion, or if such party be dead, service of such notice may be made upon his legal representative, and if such judgment debtor or his representative be not a resident of this state, three weeks' previous notice of said motion may be given in a weekly newspaper printed and published in the same or an adjoining county, and if execution has been issued on such judgment or decree, and the facts relating thereto can be proved to the satisfaction of the court, and if such execution and the return thereon have been destroyed, the parties, or either of them, shall be permitted to prove the issuing and service of such writ and return, and have the same made a matter of record, and the same process shall be issued in favor of the proper party upon such judgment, execution, and return, that he would have been entitled to had such execution and return not been destroyed; and the court, on hearing the evidence, shall determine what process such judgment creditor shall be entitled to, but should the judgment debtor or his representative deny the existence of such judgment so alleged against him, he shall be entitled to a jury to determine the fact, and the jury shall bring a verdict according to evidence.

SEC. 14. In all cases where suit has been brought or may hereafter be brought in any court on any judgment or decree, the record of which may have been destroyed as aforesaid, either by action at law or by bill in equity, it shall be lawful for the defendant to deny the fact of such burning by proper plea, and the same shall be tried by jury unless the parties shall agree to have such issues tried by the court, and such court or jury shall disregard all variance between allegation and proof in respect to the date and amount of such judgment or decree, interest and cost, but shall render their verdict and give judgment according to the evidence.

SEC. 15. All officers and witnesses having fees due them, the books or evidence of which may have been destroyed by said fire, may have the same re-taxed by the proper officer; any party feeling aggrieved at such taxation of fees or costs, may, by motion be-

fore the proper court, have the same corrected; the party or witness claiming such fees or costs having had due notice of such motion, and any officer of said county may issue the proper process authorized by law in other cases for the collection of all such fees and costs.

SEC. 16. Suits may be brought in the name of "the board of commissioners of the county of Sullivan," for the recovery of all moneys borrowed from the surplus revenue, seminary, school, or other trust funds of said county, or any congressional township therein, either by action at law or the foreclosure of mortgages, or other proceeding in equity, and the court or jury trying such causes shall disregard all variances between allegation and proof in respect to the date, amount, name of payee, or other description of any note, bond, mortgage, or other instrument relating to said funds, which may have been destroyed as aforesaid, and all officers charged with the duty of loaning or management of any such funds shall be competent witnesses in any such causes.

SEC. 17. All maps and plats of school lands which have been destroyed as aforesaid shall be re-drawn and recorded by the respective officers whose duty it was to draft the originals, or by such officers as have succeeded them by provisions of law in the discharge of their duties, which maps and plats shall be drawn from the best sources of information such officers may be able to obtain, for which service a reasonable compensation shall be paid out of the county treasury.

SEC. 18. It shall be the duty of the auditor of said county to procure from the proper offices a list of all the lands in said county, the title of which is out of the United States, and shall also procure the necessary maps of the same, and the county auditor shall deliver a copy of said lists and maps to the county assessor, to aid him in the assessment of the property of said county, and all expenses attending the procuring of said maps and lists shall be audited and paid out of the county treasury of said county of Sullivan.

SEC. 19. The former and present sheriffs and clerks of said county shall be competent witnesses in all cases under this act to prove the former existence and amount of any judgment and decree, and the former existence of any execution or paper whatever: *Provided*, That they shall not be witnesses to prove the amount and existence of costs due to them respectively, or of judgments, decrees, and executions in their favor.

SEC. 20. This act shall be taken and deemed a public act, and shall be in force from and after its passage; and it shall be the duty of the secretary of state to forthwith forward a certified copy thereof to the auditor of said county of Sullivan.

CHAPTER CXXXIV.

AN ACT for the relief of the Recorder of Franklin county.

[APPROVED JANUARY 31, 1851.]

SECTION

1. County recorders' fees for issuing certain fee bills.

SECTION

2. Town plats shall be recorded in separate books—intention of act of January 12, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fees of county recorder for issuing fee bills to collect fees for their predecessors shall be twenty cents for each fee bill so issued.

SEC. 2. It shall hereafter be the duty of county recorders to procure and record town plats in a book to be kept separately for that purpose; and it is further hereby declared that it was the intention of an act entitled "an act authorizing the recorders of Franklin, Switzerland, and Knox counties to make out a general index," approved January 12, 1849, that town plats should be so recorded, instead of being recorded in the general index books.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CXXXV.

AN ACT to raise a revenue for the year 1851.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Taxes to be levied and collected for state purposes for 1851.
2. Assessments for state benevolent institutions—duty of treasurer of state.

SECTION

3. County auditors and treasurers not required to keep separate accounts of assessments.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That for state purposes a tax of twenty-five cents on each one hundred dollars of the value of all property entered for taxation in the general list of taxables, and fifty cents on each poll subject by

law to taxation, be, and is hereby authorized and ordered to be levied and collected for the current year 1851, and the same shall be assessed, levied, and collected according to law.

SEC. 2. That in addition to the above amount there shall be assessed, levied, and collected on each one hundred dollars value of all property so entered for taxation as aforesaid, the following assessments, to-wit: the sum of one cent and seven and one-half mills for the Indiana Hospital for the Insane, the sum of two cents and two and one-half mills for the Asylum for the Deaf and Dumb, and the sum of one and a half cents for the Institute for the education of the Blind. And the treasurer of state is required to set apart from the gross amount of revenue paid into the treasury for the year 1851, the sums contemplated in this section for said several purposes.

SEC. 3. It shall not be necessary for the several county auditors and treasurers, in the assessment and collection of the revenue contemplated in the second section of this act, to keep separate accounts of the assessments and collections for each purpose, but the same shall be placed and accounted for together as one item in the amount of revenue for said year.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXVI.

AN ACT transferring the duties of agent of the surplus revenue fund in Scott county to the Auditor of said county.

[APPROVED FEBRUARY 8, 1851.]

SECTION

1. Agent of surplus revenue fund, in Scott county, shall deliver to auditor of said county all moneys, books, &c., belonging to said fund—penalty for failing to do so.

SECTION

2. Duty of county auditor in relation to fund.
3. Duty of prosecuting attorney.
4. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the duties now required by law to be performed by the agent of the surplus revenue fund, in the county of Scott, be, and the same are hereby transferred to the auditor of said county, and the said agent is hereby required to deliver over to said auditor, at the first session of the county court of said county after the pass-

age of this act, all moneys, books, papers, and other things pertaining to or belonging to said fund, and on failure so to do he shall forfeit and pay to said auditor, for the benefit of common schools in said county, the sum of one hundred dollars for each and every day he shall so fail to deliver after the time above specified, which may be recovered by suit in the circuit court of said county, instituted in the name of said auditor, for the use of common schools.

SEC. 2. It shall be the duty of said auditor to govern and manage said fund, and do all other acts in relation thereto as is required of other persons having the managing of said fund by the revised laws of 1843, and general laws since passed amendatory thereof, and such laws as may be hereafter enacted upon the subject.

SEC. 3. Should said agent fail or refuse to comply with the provisions of this act, or if he should in any manner be liable on his official bond, it shall be the duty of the attorney prosecuting the pleas of the state in said county to prosecute said agent or said agent and his securities, upon the official bond for such neglect, refusal, or liability, and said auditor may employ further legal counsel if he deem it necessary.

SEC. 4. This act shall be in force from and after its publication in the Indiana State Sentinel; and it is hereby made the duty of the secretary of state to forward a copy of this act to said agent and to said auditor.

CHAPTER CXXXVII.

AN ACT to regulate the collection of the surplus revenue in Carroll county.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. In suits on bonds, &c., given in consideration of loans obtained from surplus revenue in Carroll county,

SECTION

- agent may be competent witness, in certain cases.
2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all suits now pending, or that may be hereafter instituted upon any mortgage, bond, or note heretofore given in consideration of loans obtained from the surplus revenue in Carroll county, and where any such mortgage, bond, or note has been lost,

or destroyed, defaced, or its validity has been or may be disputed, that the agent or person to whom any such mortgage, bond, or note was given, shall be, and is hereby rendered a competent witness to testify in any such suit.

SEC. 2. All laws or parts of laws contrary to, or in any way in contravention of the foregoing section, are hereby repealed.

SEC. 3. This act shall be taken as a public act, and be in force from and after its passage.

CHAPTER CXXXVIII.

AN ACT surrendering the right of way to railroad companies across swamp lands.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Grant of right of way over swamp lands, to railroad companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any railroad company which passes over any swamp lands donated to the state of Indiana in the year 1850, shall be authorized to hold and occupy a right of way over any of said lands not exceeding one hundred feet in width, and that the state of Indiana hereby releases to said company or companies said right of way.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXIX.

AN ACT to amend an act entitled "an act to compel non-residents to pay a road tax equal to that paid by residents in the county of Whitley," approved January 14, 1850.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. When and how road tax, in Whitley county, shall be paid to township treasurers.
2. Duty of county auditor, and township clerks.
3. Township treasurer shall certify to supervisor the amount on hand, belonging to supervisor's district.
4. Supervisor shall expend the money belonging to his district—his order shall be redeemed by township treasurer.

SECTION

5. Notice shall be given, and road work let to lowest responsible bidder.
6. County auditor shall make out list of lands subject to taxation, with amount of road tax thereon—duty of township clerk.
7. Supervisor shall keep account of work done, &c.—and file statement, verified by oath, with township trustees—compensation of supervisor—how paid.
8. Duty of township clerk.
9. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the road tax that may be paid into the county treasury of said county as belongs to each township, shall be paid to the treasurer of said township respectively, on or before the first Monday of May in each year, on an order drawn by the county auditor.

SEC. 2. At the time the county treasurer makes such payment, the county auditor shall certify to the township clerk the amount so paid by the county treasurer to the township treasurer, and it shall be the duty of the township clerk to record said certificate in the record book of the proceedings of the township trustees, which shall stand as a charge against said township treasurer; the county auditor shall also, at the same time, furnish each of said township treasurers with a list of lands upon which taxes have been paid into the treasury in money, and the amount paid upon each tract.

SEC. 3. The township treasurer shall, so soon as he shall have received the road tax or any part thereof, of his township, certify to each supervisor the amount in his hands belonging to said supervisor's district.

SEC. 4. The supervisor shall, upon receiving the certificate of the township treasurer, proceed to expend the money belonging to his district, and give an order on the township treasurer for the amount of labor done by order of said supervisor, which order shall be redeemed by said treasurer to the amount of money in his hands belonging to said district.

SEC. 5. Whenever there shall be, in the hands of any township treasurer, the sum of five dollars or upwards, subject to the order of any supervisor for the use of roads in his district, he shall give ten days' notice of the time and place, by advertisements posted up in three of the most public places in his district, that he will let to the lowest bidder road work to the amount of funds in the treasurer's hands, and the supervisor shall thereupon let out to the lowest responsible bidder such road work in his district as he thinks will be most advantageous to the public interest.

SEC. 6. It shall be the duty of the county auditor, on or before the first Monday in July in each year, to make out and furnish, on demand, each township clerk with a list of all lands subject to taxation, with the amount of road tax charged thereon, and the said township clerk shall, on or before the first day in each year, make out and deliver to each supervisor in his township a like list of his district.

SEC. 7. The supervisor shall keep an account of the work done by each person, and the amount of money collected by him or coming into his hands, and of the source from which the same was derived, and also an account of his disbursements, and of the object and purposes for which said disbursements were made, and shall file a statement thereof, verified by his oath or affirmation, with the township trustees at their March session, together with the names of all persons in his district liable to perform highway labor, and said trustees are hereby authorized, upon the filing of the statement required as aforesaid, to allow said supervisors any sum they may think reasonable, not exceeding eighty cents per day for every day he may have been faithfully engaged in the discharge of his duties, which shall be paid out of any money in the township treasury not otherwise appropriated.

SEC. 8. The township clerk shall, on or before the first day of April in each year, or after the March session of the township trustees, certify to the county auditor the amount of road tax worked out in the township according to the report of the supervisors, and shall, previous to the first day of May, give an order to the township treasurer on the county auditor for the amount of the road tax collected by the county treasurer for the township, to be drawn by the township treasurer and applied to the purposes mentioned in the preceding sections.

SEC. 9. This act to take effect and be in force from and after its passage; and that so much of the second section of the act to which this is an amendment, and all other acts now in force contravening the provisions of this act, be, and the same are hereby repealed so far as the same relates to the county of Whitley.

CHAPTER CXL.

AN ACT for the better improvement of highways in the counties of Carroll and Delaware.

[APPROVED FEBRUARY 13, 1851.]

SECTION	SECTION
1. Certain persons in Carroll and Delaware counties shall work on public highways two days in each year.	2. Supervisors in Carroll county may require additional labor on roads.
	3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That each male inhabitant of said counties between the ages of twenty-one and fifty years, shall work on the public highways within said counties two days in each year, unless excepted therefrom by law or otherwise.

SEC. 2. In addition to the working two days on the public highways, as provided in the first section of this act, the supervisors of their respective districts shall have power to levy such additional labour and tax as may be necessary to keep the public highways in their respective districts in good traveling condition: *Provided, however,* That nothing in this section shall be so construed as to apply any of its provisions to the county of Delaware.

SEC. 3. All laws coming in conflict with this act be, and the same are hereby repealed; this act to be in force from and after its passage.

CHAPTER CXLI.

AN ACT to amend an act entitled "an act to compel speculators to pay a tax equal to that paid by actual settlers in the county of Lagrange," approved January 21, 1850.

[APPROVED FEBRUARY 10, 1851.]

SECTION	SECTION
1. Auditor shall furnish supervisors a list of lots and lands, with amount of road tax thereon.	2. Supervisors shall cause tax to be worked out—further duties.
	3. Compensation of auditor.
	4. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county auditor of the county of Lagrange shall, on or before the first Monday of June in each year, make out and

furnish each supervisor of the several townships a list of all town lots and lands subject to taxation, with the amount of road tax thereon.

SEC. 2. It shall be the duty of said supervisors to cause the same to be worked out according to law on or before the first day of October in each year, and to mark paid opposite each tract that has been worked out, and return the said list immediately to the treasurer of said county.

SEC. 3. For the services in making out said lists the said auditor shall be allowed the sum of twenty-five dollars.

SEC. 4. All laws conflicting with the provisions of this act, be, and the same are hereby repealed so far as the same relates to the county of Lagrange.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXLIH.

AN ACT to amend the general road law approved January 16, 1849, so far as the same relates to the county of Cass.

[APPROVED FEBRUARY 11, 1851.]

SECTION	SECTION
1. Powers of the board of commissioners of Cass county, in relation to changing and opening roads.	2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall and may be lawful for the board of commissioners of the county of Cass to hear and determine upon, at the same session, petitions for new roads and for changes of roads, and also upon objections and remonstrances to such proposed roads or changes, and the decisions of such board upon such petition and remonstrance shall be final, saving, however, to either party or parties the right of appeal to the circuit now provided by law.

SEC. 2. So much of the general road law approved January 16, 1849, as conflicts with the provisions of the foregoing section, be, and the same are hereby repealed so far as the county of Cass is concerned.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CXLIII.

AN ACT in relation to supervisors of roads and highways in Jackson county.

[APPROVED FEBRUARY 8, 1851.]

SECTION	SECTION
1. Compensation of supervisors of roads in Jackson county.	2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the supervisors of roads in the county of Jackson shall not receive pay out of the county treasury for their services as such, but instead thereof shall be exempted from working on roads and highways for one year succeeding their term of office as supervisors.

SEC. 2. All acts coming in purview of this act are hereby repealed so far as the county of Jackson is concerned.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXLIV.

AN ACT to amend an act entitled "an act to improve the roads in Centre township, in Dearborn county," approved Jan. 18, 1847.

(APPROVED FEBRUARY 14, 1851.)

SECTION	SECTION
1. Tax for road purposes, authorized in certain townships of Dearborn county.	approval of voters at spring election.
2. Tax may be increased by township trustees—such increase subject to	3. Township trustees authorized to make a loan.
	4. When this act shall be in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the second section of said act be, and the same is hereby so amended as to authorize a tax of 40 cents on each \$100 of taxable property, for road purposes, in the townships of Miller, York, Kelso, and Jackson, in said county, to be levied, collected, and expended as said act provides.

SEC. 2. That the said sum of forty cents may be increased to sixty cents per hundred dollars, by the respective township trustees in said townships, subject to the approval of the people at the next succeeding spring election.

SEC. 3. That for the purpose of carrying this act speedily into effect, the township trustees shall have power to make a loan, in anticipation of the tax so to be collected, of such sum or sums of money as may equal the probable amount of tax to be raised in that year, to be expended as said act requires.

SEC. 4. That this act shall be in force from and after its passage and publication in the Indiana Register and Independent Press, at Lawrenceburgh.

CHAPTER CXLV.

AN ACT to amend an act entitled "an act to regulate the per diem allowance for work done on the public highways in the county of Adams, and other counties therein named," approved Jan. 17, 1850.

[APPROVED FEBRUARY 6, 1851.]

SECTION	SECTION
1. Compensation for working on roads in the county of Adams.	2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act to which this act is amendatory be, and the same is hereby so amended that the following shall be the per diem allowance for work done on the public highways in the county of Adams, and no more, to-wit: For all work done before the first day of July in each year, one dollar per day; after the first day of July and before the first day of August, eighty-seven and one-half cents per day; after the first day of August and before the first day of September, seventy-five cents per day; after the first day of September and before the first day of October, sixty-two and one-half cents per day; after the first day of October, fifty cents per day.

SEC. 2. All laws contravening the provisions of this act are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXLVI.

AN ACT to repeal an act therein named so far as the same relates to the counties of Parke and Shelby.

[APPROVED JANUARY 23, 1851.]

SECTION 1. Relating to per diem allowance for working on roads in the counties of Parke and Shelby.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to regulate the per diem allowance for work done on the public highways in the county of Adams, and other counties therein named," approved January 17th, 1850, be, and the same is hereby repealed, so far as the same relates to the counties of Parke and Shelby, and all laws repealed by said act are hereby declared to be again in force, so far as the counties of Parke and Shelby are concerned.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CXLVII.

AN ACT to authorize the assessment and collection of a specific tax for road purposes in the county of Marshall.

[APPROVED FEBRUARY 4, 1851.]

SECTION

1. County board of Marshall county may assess specific tax for road purposes.

SECTION

2. Additional tax may be assessed, on petition.
3. Repealing clause.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the county of Marshall be, and they are hereby authorized to assess a tax in each year of one cent per acre for road purposes, on all the lands in said county subject to taxation for state and county purposes, which said tax shall be entered in the proper column on the tax duplicate, and shall

be collected in the manner prescribed by law for the collection of road taxes, and shall be in lieu of all other road tax upon said lands, except as in the next following section is provided.

SEC. 2. On a petition of a majority of the inhabitants of any township or road district in the said county in any year, it shall be the duty of the said board of commissioners to assess upon all the taxable lands in such township or district an additional tax for road purposes, not exceeding one cent per acre, which amount shall be specified in such petition, and shall be entered on the tax duplicate and collected as in the first section of this act is provided.

SEC. 3. This act shall take effect and be in force from and after its passage and publication, and all laws and parts of laws conflicting herewith, are hereby repealed so far as the county of Marshall is concerned.

CHAPTER CXLVIII.

AN ACT for the benefit of the common schools of Boone county.

[APPROVED FEBRUARY 5, 1851.]

SECTION

1. Board of commissioners may require auditor to sell certain lands.
2. Conditions of sale.
3. Sixty days' notice of sale shall be given.
4. Sale shall be made at court house door—how conducted.
5. Auditor may sell lands at private sale, in certain cases.
6. Payments, how made.
7. Purchaser shall execute bond with

SECTION

certain conditions.
8. County auditor shall execute certificate of purchase—effect thereof.
9. How assignments of certificates shall be made, and effect thereof.
10. County auditor may bring suit in certain cases.
11. On full payment of purchase money, &c., auditor shall make deed to purchaser.
12. When in force.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Boone county may, at their meeting next after the passage of this act, or at any regular meeting of said board thereafter, if they deem it for the benefit of the funds for the support of common schools of said county, make and enter upon their order book an order requiring the county auditor of said county to make sale of all or any portion of the lands in said county heretofore mortgaged to the state of Indiana, to secure the payment of loans of surplus revenue, saline, bank tax, common school, or congressional township funds, and bid in for the use of the

state by the county auditor, school commissioner, or surplus revenue agent, and which have been re-offered for sale by said auditor, and still remain unsold, at a price not less than the original loan on said mortgage.

SEC. 2. The conditions of all sales contemplated by the preceding section shall be one-third of the purchase money to be paid on the day of sale, one-third in two years, and the remaining one-third in four years from and after the day of sale, with interest on the amount of such purchase unpaid at the rate of seven per cent. per annum, annually in advance.

SEC. 3. The county auditor, or the person performing the duties required of him by this act, shall, in such manner as said board may direct, give at least sixty days' notice of any such sale ordered, in pursuance of the first section of this act.

SEC. 4. Any such sale or offer to sell shall be made at the court house door in said county, by the county auditor or person acting as such at the time fixed by the order authorizing the same, and may be continued until every tract contained in any such order of sale shall have been sold or offered for sale, and such sale shall be for the best price that can be had, not less than that specified in the order of the board of commissioners.

SEC. 5. Should any tract so offered as contemplated by the preceding section of this act remain unsold, the county auditor may sell the same at private sale, under the restrictions of the order of said board of commissioners.

SEC. 6. The purchaser at any such sale shall immediately thereafter, on the application of the county auditor or the person acting as such, pay to the county treasurer, school commissioner, or other officer authorized to receive the money belonging to the fund for which said land was pledged, one third part of the purchase money, and the interest on the residue for one year in advance, and each subsequent payment of principal or interest according to the provisions of the second section of this act, and file the receipt therefor with the county auditor, who shall give him a quietus therefor.

SEC. 7. The purchaser at any such sale shall execute to the state of Indiana, and file with the county auditor, a bond in double the amount of such purchase money, with good and sufficient freehold security to the acceptance of the county auditor, conditioned that said purchaser will not make or suffer waste or destruction of any improvements, timber, coal, gravel, stone, or earth on the premises, except for the permanent improvement of the land, and that he will not sell, remove, or suffer to be sold or removed from the premises any valuable timber, coal, stone, &c., except the same be done for the improvement of the same by erection of buildings, fences, or other improvements thereon or the repair thereof; and that on failure to pay any installment of principal or interest according to the provisions of this act, the contract between the purchaser

or his heirs or assigns shall be considered cancelled, and the county auditor may proceed at once to advertise and sell said premises for the principal and interest due thereon and unpaid, as other lands mortgaged to secure the payment of loans of said funds may at the time be exposed to sale on failure to pay interest or principal, and will surrender the possession of the said premises to the state on reasonable notice of any such failure.

SEC. 8. The county auditor or person acting as such, on the presentation of the receipts contemplated by the sixth section of this act for the first payment of principal and interest, and the filing of the bond required by the seventh section of this act, shall make and execute a certificate of purchase to the purchaser, attested by the official seal of said board of commissioners, particularly describing each tract or lot of land sold to the individual entitled thereto, the amount for which the same was sold, and the amount yet due on said purchase, and that on the full payment of the residue on such sale and the interest and costs that may have accrued thereon under the provisions of the second section of this act, the said purchaser or his heirs or assignees will be entitled to a deed for the land or lot described in said certificate.

SEC. 9. All assignments of certificates under this act shall be made in the same manner as assignments of certificates of sale of school sections; and all such assignments so made shall vest all the rights and interest of the assignor in the assignee as fully as if he had been the original purchaser.

SEC. 10. The payment and the certificates required by this act shall, when duly made and executed, entitle the purchaser or his heirs or assigns to the possession of the premises described in said certificate, and the rents and profits thereof, so long as the conditions of said bond and law are fully complied with, and the county auditor is empowered to bring any suit or suits in the name of the state of Indiana, necessary to carry into effect the provisions of this act.

SEC. 11. On the full payment of the purchase money and all the interest and costs due thereon, pursuant to the conditions of this act, the county auditor or the person acting as such, shall, on the presentation of the certificate of purchase, make, execute, and acknowledge a deed of conveyance conveying all the right, title, and interest of the state of Indiana in and to such land, to the purchaser, or his heirs or assignees, in the same manner and for the same compensation as are now or may hereafter be prescribed by law, to the county auditor for the sale and conveyance of forfeited lands in other cases.

SEC. 12. This act to be in force from and after its passage, and the filing of a certified copy thereof in the office of the auditor of Boone county.

CHAPTER CXLIX.

AN ACT to amend an act entitled "an act to increase and extend the benefits of common schools," approved January 17th, 1849, and the act declaring said act in force, approved January 19th, 1850, so far as the same relates to the county of Vigo.

[APPROVED FEBRUARY 6, 1851.]

SECTION

1. Vote shall be taken, in the county of Vigo, on the present law concerning common schools.

SECTION

2. Auditor shall enter a *quietus* on duplicate, in certain cases.
3. Duty of secretary of state.

WHEREAS, In pursuance of the act to increase and extend the benefits of common schools, approved January 17th, 1849, a majority of all the voters of the county of Vigo voting at the August election in the year 1849, in said county, did not vote for said law, a portion of the voters of said county having refused to vote on said question;

AND WHEREAS, Much dissatisfaction has arisen in said county concerning said law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at the next April election in said county of Vigo it shall be the duty of the several inspectors of elections at said election to propose and ask each and every of the electors of said county, as they shall respectively deliver their votes, the following question: "Are you in favor of the present law of taxation for increasing the benefit of common schools?" and it shall be the duty of the clerk of said county, in preparing the poll books for said election, to prepare the same with a proper column for recording said votes, and the same shall be recorded by the clerks of said elections, and the inspectors of said elections shall certify the same to the auditor of said county, and if a majority of all the votes given at said election upon said question shall be in the affirmative of said question, then the said acts before mentioned in the title of this act, shall be and remain in full force, but if there shall not be a majority of all the voters voting at said election upon said question, found voting in the affirmative of said question, then the said act approved January 19, 1850, shall cease to have any force and effect in said county of Vigo, and be, as to the said county of Vigo, repealed; but the said act approved January 17, 1849, shall be revived and remain in full force in said county; but in such case the question shall not be submitted to the voters at the succeeding annual election.

SEC. 2. If there shall not be a majority of the votes given at said election on said question in favor of said law, it shall be the duty of the auditor to enter upon the duplicate a *quietus* against the collection of the taxes assessed under said acts for the current year, in said county, and no tax for that purpose shall be collected in said county: *Provided*, That this act shall not affect the taxes assessed for the year 1850 for school purposes, and remaining delinquent.

SEC. 3. This act shall be in force from and after its passage, and shall be published in the Indiana State Journal and Sentinel; and it is hereby made the duty of the secretary of state to forward without delay certified copies of this act to the auditor and clerk of the county of Vigo.

CHAPTER CL.

AN ACT to amend an act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

[APPROVED FEBRUARY 11, 1851.]

SECTION 1. Certain appointments of township clerks legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it has so happened that no district trustee has been elected, according to the provisions of the ninth section of the act entitled "an act to increase and extend the benefits of common schools," approved January 17th, 1849, and the vacancy so occurring has been filled by the appointment of the township clerk prior to the passage of an act entitled "an act to amend an act entitled 'an act to increase and extend the benefits of common schools,'" approved January 3d, 1850, that all such appointments so made shall be taken and considered to be in all respects legal and valid.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLI.

AN ACT declaring certain laws in force in the counties of DeKalb, Noble, and Steuben.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. Certain laws declared to be in force in the counties of DeKalb, Noble, and Steuben.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That sections 38, 39, and 40, article 2d, and sections 129, 130, and 131, article 6, of chapter 15, of the revised statutes of 1843, be, and the same are hereby declared to be in full force in the counties of DeKalb, Noble, and Steuben.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLII.

AN ACT to amend an act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

[APPROVED FEBRUARY 5, 1851.]

SECTION 1. Majority of voters of any school district may levy tax for building, pay-	SECTION ing for, or repairing school house. 2. Repealing clause—and provisos.
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SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for a majority of the qualified voters of any school district in this state, at any special meeting thereof, ten days' notice of the same being given in writing, by posting the same up in three of the most public places in said district, signed by five freeholders, to vote a tax for the purpose of building or paying for a school house, or repairing the same, as a majority of the qualified voters of the district shall deem proper: *Provided,* The tax so levied by vote shall in no case, in any one year, exceed fifty cents on each one hundred dollars' worth of taxable property.

SEC. 2. That all laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed: *Provided, however,* This act shall not be applicable to or in force in the county of Noble: *Provided, further,* This act shall in no case repeal any local law now in force in any county in this state: *Provided, further,* That the provisions of this act shall only extend to counties which have adopted the act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLIII.

AN ACT to abolish the office of school commissioner of the county of Morgan.

(APPROVED JANUARY 15, 1851.)

SECTION 1. Office of school commissioner of Morgan county abolished—duties transferred to auditor and treasurer. 2. Auditor and treasurer shall be govern-	SECTION ed by laws governing school commissioner in said county. 3. When in force—duty of secretary of state.
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SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of school commissioner for the county of Morgan be, and the same is hereby abolished, and that the duties of said office be, and are hereby transferred to the auditor and treasurer of said county, to be by them respectively done and performed according to law, without any additional compensation therefor.

SEC. 2. Said auditor and treasurer to be governed in all respects in the discharge of the duties herein conferred upon them by the laws now in force governing the school commissioner of said county.

SEC. 3. This act to be in force and take effect from and after the 15th day of March, 1851; and it is hereby made the duty of the secretary of state to transmit without delay a certified copy of this act to the auditor of said county.

SEC. 4. All laws contravening the provisions of this act be, and the same are hereby repealed.

CHAPTER CLIV.

AN ACT to legalize the assessment of taxes for school purposes in district No. seven, in township thirty-three north, of range fourteen east, in DeKalb county.

[APPROVED JANUARY 15, 1851.]

SECTION 1. Assessments of taxes for school purposes legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all assessments or orders for the assessment of taxes for school purposes heretofore made by the qualified voters of district number seven, in township thirty-three north, of range fourteen east, in DeKalb county, be, and the same are hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLV.

AN ACT amendatory to an act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Township trustees shall distribute school funds, in proportion to the number of scholars in each district.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the township trustees to distribute to the districts within their respective townships the school funds received by them for distribution, in proportion to the number of scholars in each, any thing in the act to which this is an amendment to the contrary notwithstanding.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CLVI.

AN ACT to amend an act entitled "an act to amend the fifteenth chapter of the Revised Statutes," approved January 26, 1847, so far as relates to the county of Shelby.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Certain qualifications of school teachers may be dispensed with, in Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above entitled act be, and the same is hereby so amended, that a majority of the voters of any regularly called meeting of any school district may dispense with such of the qualifications of common school teachers as therein mentioned, as they may deem proper, so far as relates to the county of Shelby.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLVII.

AN ACT to authorize the inhabitants of school district No. 2, in township No. 36, range No. 3 west, in Laporte county, to levy an additional school tax.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Voters of certain school district in Laporte county, may levy additional school tax.

SECTION

2. Notice shall be given.
3. How tax shall be collected.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of school district No. 2, in township No. 36 north, of range 3 west, in the county of Laporte, at any general or special meeting in each year, may decide by a vote of the majority to levy an additional tax on the property in such district subject to taxation for state and county purposes, not exceeding one

per centum on the valuation thereof, for the purpose of paying for their school house.

SEC. 2. Notice of every such meeting, specifying the time, place, and object thereof, shall be given by written or printed notice thereof posted up in three of the most public places in such district, ten days prior to the time of such meeting.

SEC. 3. If a majority of the voters at any such meeting shall decide in favor of such tax, the same shall be levied and collected in the manner prescribed in the act entitled "an act to increase and extend the benefits of common schools," approved January 17, 1849.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CLVIII.

AN ACT to extend the provisions of an act therein named to a school district in the county of Fayette.

[APPROVED FEBRUARY 4, 1851.]

SECTION 1. Provisions of act of January 21, 1850, extended to certain school district in Fayette county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "an act to increase and extend the benefits of common schools," approved January 21, 1850, be, and the same is hereby extended to school district number 6, town fifteen north, of range eleven east, in the county of Fayette.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLIX.

AN ACT to amend section thirteen of "an act to increase and extend the benefit of Common Schools in the county of Noble and for other purposes."

[APPROVED JANUARY 30, 1851.]

SECTION

1. Voters of organized school districts in Noble county may levy tax for school purposes—proviso.

SECTION

2. Further power of voters.
3. How taxes shall be levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 13th section of an act approved January 17th, 1849, to increase and extend the benefit of common schools be and the same is hereby so amended that hereafter it shall be lawful for any organized district in the county of Noble, at any general or special meeting thereof, to vote such amount of tax, to be levied upon the taxable property in said district, for the purpose of building a school house, as a majority of the legal voters in such district may deem proper: *Provided,* The aggregate amount of all taxes so levied by a vote of the district shall in no case, in any one year, exceed the sum of fifty cents on each one hundred dollars worth of property.

SEC. 2. The qualified voters of any district when met together, as provided in the first section of this act, may vote a tax upon every person resident in said district, liable to pay a poll tax for State purposes in any amount not less than twenty-five cents nor more than fifty cents in any one year.

SEC. 3. It shall not be lawful to vote the tax authorized by the second section of this act, unless at the same time the tax specified in the first section be also voted, nor shall the tax contemplated in section one be voted unless that authorized in section two be at the same time voted.

SEC. 4. This act shall be in [force] from and after its passage.

CHAPTER CLX.

AN ACT to provide for the return of the vote on the school law to the office of the Secretary of State.

[APPROVED JANUARY 16, 1851.]

SECTION

1. County auditors shall certify vote on school law to Secretary of State—
duty of Secretary of State.

SECTION

2. Further duty of auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Auditors of the several counties of the State to certify forthwith to the Secretary of State the vote on the school law in the years 1849 and 1850. Said Secretary shall forthwith certify this law to said Auditors.

SEC. 2. Said Auditors shall include in their return to the Secretary of State the result of all votes on said school law hereafter made.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXI.

AN ACT to repeal a part of the 31st section of an act to increase and extend the benefits of common schools.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Part of 31st section of act of December 27, 1848, repealed in certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section 31 of an act to increase and extend the benefits of common schools, approved December 27th, 1848, so far as relates to the duty of sheriffs and inspectors of the counties of Johnson, Hendricks, and Boone is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXII.

AN ACT authorizing the sale of section sixteen (16), in township No. eight (8) north, of range No. five (5) [east,] in the county of Bartholomew.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Auditor and treasurer of Bartholomew county authorized to sell school section—proviso.

SECTION

2. When in force.

3. Duty of secretary of state.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor and treasurer of the county of Bartholomew are hereby authorized to sell and convey the school section No. sixteen (16), in Congressional township No. eight (8) north, of range No. five (5) east of the second principal meridian, situate in the county aforesaid; said sale to be under the supervision of the township trustees of said Congressional township. *Provided, however*, That no part of said section shall be sold for a less sum than is now affixed by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

SEC. 3. It shall be the duty of the secretary of state to forward a copy of this act immediately to the clerk of the Bartholomew circuit court.

CHAPTER CLXIII.

AN ACT to authorize the sale of school land in Perry county.

[APPROVED JANUARY 28, 1851.]

SECTION 1. Voters of township in Perry county authorized to sell school lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the legal voters of Congressional township number

five south, of range three west, in Perry county, be, and they are hereby authorized to sell the sixteenth section thereof, and for that purpose may meet and vote under the laws now in force in such cases; and if a majority of the voters present shall direct the same to be sold, such sale shall be made according to law.

SEC. 2. This act to be in force from and after its passage and publication.

CHAPTER CLXIV.

AN ACT for the relief of purchasers of school lands in the county of Lagrange.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. Purchaser of school lands in Lagrange county, who has forfeited lands on account of non-payment, may receive certificate from auditor of

SECTION

amount of payment on such lands.
2. Such certificate shall be receivable in payment of debts due school fund, &c.—proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every purchaser of congressional school lands in the county of Lagrange, who has heretofore forfeited his or her land on account of non-payment of the whole or any part of the purchase money or interest, shall, on application to the auditor of said county, be entitled to a certificate, to be issued by said auditor, for the amount of all payments of principal and interest made by such purchaser on account of the lands so forfeited, if, on examination, it shall appear to said auditor that said land has been re-sold at a price at least equal to that paid by such delinquent purchaser, and that no loss has been sustained by the school fund in consequence of said forfeiture.

SEC. 2. The certificate so issued shall be receivable in payment of any debt due the school fund on the sale of such land, or for loans of such proceeds of the sale of land in the township where the forfeiture occurred: *Provided*, That the benefits of this act shall not extend to any purchaser who may have removed timber or other materials from said land, by which the value thereof shall have been materially lessened. This act to take effect from and after its passage.

CHAPTER CLXV.

AN ACT providing for the sale of school section in congressional township No. 28 north, of range No. four west, lying in the county of White.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. Township trustees of certain township in White county, may, on petition, sell school section.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if a majority of the legal voters of congressional township No. twenty-eight north, of range No. four west, lying in the county of White, shall sign a petition praying that the board of trustees doing business for said township to make sale of their school section; it then shall be lawful for said trustees to make sale of such land in the same manner as if the provisions of the 172d section of chapter 13, of the revised statutes of 1843, had been fully carried out.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXVI.

AN ACT to authorize the sale of section sixteen, in congressional township twenty-four north, of range twelve east, in Jay and Blackford counties.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. Proceedings to authorize sale of school section.

WHEREAS, Congressional township twenty-four north, of range twelve east, lies in the counties of Jay and Blackford, and for the purpose of enabling said township to sell section sixteen for the use and benefit of common schools; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the clerk of said congressional township twenty-four north, of range twelve east, in Jay and Blackford counties, when taking the enumeration of children in the same, to ask every legal voter in said township if he is in favor or against the sale of section sixteen in said congressional township, and if a majority of said votes are in favor of selling said section sixteen, then the same shall be sold according to the laws made and provided on the subject of common schools.*

SEC. 2. This act to be in force from and after the passage of this act.

CHAPTER CLXVII.

AN ACT to abolish the office of superintendent of the work on the state prison, and for other purposes.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Office of superintendent of work on state prison, abolished—duties appertaining to said office, transferred to warden.

SECTION

2. Compensation of warden—how paid.
3. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the office of superintendent of the work on the state prison be, and the same is hereby abolished, and all the duties appertaining to said office are hereby transferred to the warden of the state prison.*

SEC. 2. The said warden shall annually receive as a compensation for his services for discharging the duties of warden and superintendent the sum of seven hundred dollars, to be audited by the auditor of public accounts, and paid quarterly out of any moneys in the treasury not otherwise appropriated.

SEC. 3. Section twelve of an act entitled "an act to lease the Indiana state prison, and for other purposes," approved January 16th, 1846, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CLXVIII.

AN ACT in reference to proceedings upon scire facias.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Proceedings upon scire facias in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in all cases where the original entry of a judgment of a justice of the peace and proceedings thereon shall be lost or destroyed, and if execution on such judgment and return thereon shall be lost or destroyed, it shall not be necessary to obtain a certified transcript of such judgment and proceedings, or of such execution or return, for the purpose of obtaining execution against the goods and chattels, lands and tenements of the defendant or defendants, if a transcript of the judgment has been duly filed and entered in the office of the proper clerk to make such judgment a lien on real estate; but it shall be sufficient, upon affidavit filed, as far as such judgment, proceeding, and execution, and return are concerned, to aver in the scire facias and prove on the trial by parol proof, such judgment, proceedings, execution, and return: *Provided always*, The case is such an one as makes scire facias, as aforesaid, an appropriate remedy.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLIX.

AN ACT to extend an act entitled "an act to authorize the sheriff of Lawrence county to serve process issued by justices of the peace, in certain cases," to the county of Owen.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Certain act relative to service of process, extended to Owen county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to authorize the sheriff of*

Lawrence county to serve process issued by justices of the peace in certain cases," approved January 21st, 1850, be, and the same is hereby extended to the county of Owen.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXX.

AN ACT for the relief of the owners of lands mortgaged to the sinking fund.

[APPROVED FEBRUARY 14, 1851.]

SECTION

1. County auditors may, in certain cases, appoint appraisers of lands mort-

SECTION

gaged to sinking fund—proceedings after appraisement.
2. Compensation of appraisers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where the lands embraced in any one mortgage to the sinking fund are now or may hereafter be owned by two or more persons, in severalty and in separate parcels, it shall be lawful for the several county auditors of this state, upon the application of any one or more of the owners of the lands mortgaged as aforesaid, to appoint three disinterested freeholders, residents in the neighbourhood in which said lands lie, whose duty it shall be, after having taken an oath to faithfully discharge their duties, to proceed to appraise the several shares of all the owners separately, and return the same to the county auditor from whom they received their appointment; and upon the filing of a properly authenticated copy of said appointment at the office of the sinking fund, in Indiana, it shall be lawful for the president and directors of the board having the management of said fund, and they are hereby required to allow any one or more of the owners of said lands to pay their share of said mortgage in proportion to said appraisement of said lands, and when the interest or principal of any one or more of said shares shall have been so paid as aforesaid, and any share or shares therein remain unpaid, the delinquent share or shares shall first be sold to make up said delinquency.

SEC. 2. The appraisers mentioned in the first section of this act shall be allowed one dollar per day each for their services, and be paid by the person or persons applying for their appointment.

SEC. 3. This act to take effect and be in force from and after its passage and publication.

CHAPTER CLXXI.

AN ACT for the construction of a sewer at the state's prison.

[APPROVED FEBRUARY 5, 1851.]

SECTION

1. Warden may cause sewer to be constructed.
2. Proceedings on claim for damages.
3. Damages, &c., how paid.

SECTION

4. Warden shall superintend construction of sewer.
5. Cost of sewer, how paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the warden of the state's prison be, and he is hereby authorized and empowered to employ any person to construct a sewer for the conveyance of filth and wash from within the prison walls, according to a survey and estimate made by Sydney S. Lyon, under the direction of the superintendent, as provided in section 3, chapter 241, approved January 21, 1850.

SEC. 2. Should any person or persons through whose land said sewer may pass, claim damages on account thereof, the same shall be assessed, if any, by three disinterested freeholders appointed by the county commissioners of Clark county, who shall report to the auditor of said county, whose duty it shall be to certify the amount and deposit said certificate with the warden of said prison: *Provided, however*, That an appeal may be taken by either party from the award of said appraisers to the circuit court.

SEC. 3. The warden is hereby authorized to draw upon the treasurer of said county for any moneys belonging to the state, an amount sufficient to pay the commissioners to assess damages and pay claimants for said damages.

SEC. 4. It shall be the duty of the warden of the state's prison to superintend the construction of said sewer, and see that the materials are durable, and such as contained in the report of Sydney S. Lyon, made under the direction of said superintendent.

SEC. 5. The cost of said sewer shall not exceed the sum of twenty-five hundred and twenty-nine dollars and eighteen cents, to be deducted out of rent due, or that may become due to the state for the use of said prison.

CHAPTER CLXXII.

AN ACT relative to the purchase of books made by the Governor for the use of the convicts in the state prison, and for other purposes.

[APPROVED JANUARY 25, 1851.]

SECTION

1. Purchase of books by Governor Wright for use of convicts, ratified—appropriation.
2. Warden shall have charge of "state

SECTION

- prison library"—convicts may be permitted to read books.
3. Additional purchase of books authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the purchase of books for the use of the convicts in the state prison, made by his excellency, Joseph A. Wright, and referred to in his message of 31st December, 1850, be, and the same is hereby ratified, and the sum of one hundred and thirty-eight dollars and fifty-eight cents is hereby appropriated and allowed his excellency on account of said purchase.

SEC. 2. The books so purchased, together with the books which now are, or hereafter may be furnished by the lessee of the state prison under the requirements of the existing law, shall constitute a library, to be known as the "state prison library," and shall be placed under the supervision of the warden of the prison, whose duty it shall be, in addition to those now imposed on him by law, to take good care of said books, have the same properly arranged in a plain book case, and from time to time let out the same, without fee, to such convicts as shall desire to read, under such general rules and regulations as said warden shall see proper to adopt.

SEC. 3. For the purpose of making a public addition to said library within the ensuing year, there is hereby appropriated from the treasury, and made subject to the order of the governor, the sum of fifty dollars, to be expended by that officer in the purchase of suitable books to be added to said library.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CLXXIII.

AN ACT to provide for electing supervisors by districts in the counties of Wells, Allen, Noble, Steuben, Miami, Henry, Lagrange, Tipton, Clinton, Harrison, Adams, Jay, Blackford, and Morgan.

[APPROVED JANUARY 31, 1851.]

SECTION

1. Voter of certain counties shall not vote for more than one supervisor of roads in his township.

SECTION

2. Illegal votes for supervisor.
3. Repealing clause.
4. When in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, at the annual election in April, it shall not be lawful for any voter in Wells, Allen, Noble, Steuben, Miami, Henry, Lagrange, Tipton, Clinton, Harrison, Adams, Jay, Blackford, and Morgan counties to vote for more than one supervisor of roads in his township.

SEC. 2. If, upon counting out the votes at any of the polls in said counties, any ticket shall be found with more than one person voted for for supervisor, it shall be deemed an illegal vote so far as relates to supervisors, and shall not be counted to any of the persons voted for for that office.

SEC. 3. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage and publication in a public newspaper, and a copy thereof filed in the clerk's office of the counties named in the first section of this act.

CHAPTER CLXXIV.

AN ACT to amend chapter 4th of the Revised Code of 1843.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Revised Statutes of 1843, amended, in relation to official bonds of pilots.

SECTION

2. Rights and liabilities of sureties of pilots.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That sections from 117 to 135 inclusive, of chapter 4, article 15, of the revised code of 1843, be and the same are hereby so amended as to include sureties on the official bond of any pilot at the falls of the Ohio.

SEC. 2. Such sureties or any of them shall be entitled to all the relief provided in said sections for the sureties of clerks, sheriffs, recorders, coroners, or justices of the peace, and said pilots or any of them be liable to the pains and penalties, provided in section 123 of said chapter, for failure to comply with said laws.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CLXXV.

AN ACT in relation to the county surveyor of Putnam county.

[APPROVED FEBRUARY 12, 1851.]

SECTION 1. County surveyor of Putnam county may take acknowledgments of deeds, and administer oaths, in certain cases—compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county surveyor of Putnam county be, and he is hereby authorized to take acknowledgments of deeds, and also to swear witnesses for the purpose of establishing and perpetuating corners; and said surveyor shall be allowed for such services the same compensation as is allowed to justices of the peace for similar services.

SEC. 2. This act to take effect and be in force from and after its passage, so far as relates to the county of Putnam.

CHAPTER CLXXVI.

An act to authorize the election of a county surveyor in Greene county.

[APPROVED FEBRUARY 10, 1851.]

SECTION

1. Voters of Greene county may elect county surveyor—term of office.
2. Duty of county clerk.

SECTION

3. Provisions of this act extended to Owen county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the qualified voters of Greene county, at the next general election and every second year thereafter, to elect a county surveyor for said county, who shall hold his office during the term of two years.

SEC. 2. It shall be the duty of the county clerk of said county to give to the person receiving the highest number of votes for said office a certificate of election.

SEC. 3. This act shall take effect and be in force from and after its passage, and its provisions are hereby extended to the county of Owen.

CHAPTER CLXXVII.

AN ACT to regulate the mode of doing township business in the county of Wabash.

(APPROVED FEBRUARY 13, 1851.)

SECTION

1. Organized townships of Wabash county incorporated.
2. Election of township officers.
3. Term of office—township treasurers and constables shall give bond.
4. Trustees shall be judges of elections, &c.
5. Township clerk shall give notice of elections—shall act as clerk at elections—further duties—oath of township officers.
6. Meeting of township trustees—clerk shall keep record of proceedings.
7. Penalty for refusing to qualify, after election.
8. Trustees shall revise boundaries of road districts, and cause maps or plats to be made, &c.
9. Township clerks shall keep record of marks and brands—compensation therefor.
10. Trustees shall fill vacancies in township offices.
11. Trustees shall, annually, determine the amount of tax to be levied for township purposes.
12. Trustees shall have general supervision of treasury—shall allow compensation to certain officers.
13. Duty of township treasurers.
14. Trustees shall, annually, settle with clerk, treasurer, and supervisor of roads—shall have power to establish, change, or vacate township roads.
15. Proceedings on establishing or changing township roads.
16. Township road, when established by board of trustees, shall be deemed a public highway.

SECTION

17. Trustees shall view, mark, and locate township roads.
18. Trustees shall make certain certificate to county auditor.
19. Road tax and township tax shall be paid to township treasurers.
20. County auditor shall certify to township clerk the amount of road and township taxes, separately—clerk shall record certificate—further duty of auditor.
21. Township treasurer shall certify to each supervisor the amount on hand belonging to said supervisor's district.
22. Supervisor shall expend the money belonging to his district.
23. Notice shall be given of road work to be let—work shall be let to lowest responsible bidder.
24. County auditor shall, annually, furnish township clerk with list of lands and lots subject to taxation, &c.
25. Supervisors shall keep an account of work done, &c.—compensation of supervisor.
26. Township clerk shall certify to county auditor the amount of road tax worked out.
27. Township clerk shall keep a record of his receipts and disbursements, &c.
28. Books for township clerks and treasurers shall be procured at the expense of the county.
29. Duty of county auditor at first election under this act.
30. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several townships in the county of Wabash, as at present organized, are hereby declared bodies corporate and politic, and by the names of their incorporations may sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts having competent jurisdiction.

SEC. 2 The qualified electors in each township in said county shall meet at the usual places of holding elections, in their respective

townships, on the first Monday in April annually, and elect three township trustees, a township clerk and treasurer, two fence viewers, and as many constables as there are justices of the peace in each township, and as many supervisors of roads and highways as there are road districts in each township.

SEC. 3. The officers elected agreeably to the provisions of this act, shall severally hold their offices one year, and until their successors are chosen and qualified: *Provided, however*, That the township treasurer and constables shall, before entering upon the discharge of their several duties, give bond with security, to be approved of by the township trustees, in the sum of five hundred dollars, conditioned for the faithful discharge of the duties enjoined on them by this act, which bonds shall be made payable to the state of Indiana, and shall be filed with the township clerk.

SEC. 4. The trustees elected as aforesaid shall be judges of all elections held within their respective townships, and shall appoint at each election some suitable person, who, together with the township clerk, shall act as clerks of the township and general elections.

SEC. 5. The township clerk shall give notice of all elections held under the provisions of this act, by setting up written advertisements at three of the most public places in the township, at least fifteen days previous to such election; he shall act as clerk at all elections, and shall provide a sufficient number of blank certificates of election to be filled up and signed on the day of election by the judges of said election, and attested by the clerk, and when so filled he shall deliver the same to the persons elected, or to some constable, who shall, within five days thereafter, deliver the same to the persons elected as aforesaid, and the person elected clerk aforesaid shall, within five days after receiving his certificate, appear before some person authorized to administer oaths, and take an oath or affirmation faithfully and impartially to discharge the duties of township clerk, according to law; and the several other township officers elected as aforesaid, shall, within ten days after the election, appear before the clerk of the township, who is hereby authorized to administer oaths, or before some other person authorized to administer the same, and each take an oath or affirmation faithfully and impartially to discharge the several duties assigned them according to the provisions of this act.

SEC. 6. The trustees shall meet at the usual places of holding elections, on the first Mondays of March, June, and November, annually, to transact the business of the township, and the township clerk shall, at such meetings, keep a fair and true record in a book to be provided for that purpose, to keep the proceedings of said board.

SEC. 7. Any person elected to a township office and refusing to qualify, shall forfeit and pay to the township the sum of three dollars, to be recovered in an action of debt before any justice of the

peace in the township, in the name of the township treasurer, which fine shall be applied to common schools in the township where collected.

SEC. 8. At the meeting of the board of trustees in June, each year, they shall proceed to revise the boundaries of the road districts in their respective townships, and shall cause a map or plat of the same to be made by the township clerk, accurately numbered, with the name of the supervisor for the current year, which shall be recorded by the clerk and preserved in the records of the township.

SEC. 9. The several township clerks in said county shall keep a record of all marks and brands in their respective townships in a book kept for that purpose: *Provided*, That no two individuals shall have the same marks or brands recorded; said clerk shall be entitled to demand and receive twelve and a half cents from each person having said record made.

SEC. 10. The trustees shall fill all vacancies that may occur in any of the offices mentioned in this act, occasioned either by death, removal or resignation, and the person so appointed shall give the same bond and take the same oath as is required in other cases.

SEC. 11. The trustees, at their June session, shall determine the amount of tax to be levied on each one hundred dollars of taxable property for township purposes, in their respective townships, and shall cause a certified copy of their order to be handed to the county auditor by the clerk, within ten days after the same shall have been made, and the amount of tax shall be placed on the duplicate for the current year and be collected as other taxes are.

SEC. 12. The trustees shall have general supervision of the treasury of their respective townships, and shall audit and allow to the trustees, clerk, treasurer, and clerks of elections, a reasonable compensation for their services, not to exceed one dollar per day, to be paid out of the township treasury, by an order of the trustees, certified by the clerk.

SEC. 13. It shall be the duty of the treasurer to receive all moneys belonging to their respective townships, and receipt therefor, which receipt shall be filed with their respective township clerks, or a duplicate thereof, and the clerk shall thereupon charge the same to the account of the treasurer; and the treasurer shall pay over to any person entitled to demand and receive the same, any moneys which may be in the treasury, on the order of the trustees, and certified by the clerk of the township; and the treasurer on going out of office shall deliver to his successor in office all moneys, books, and papers belonging to his office, and shall make a full settlement with the trustees at their March session.

SEC. 14. The trustees, at their March session, shall settle with the township clerk, treasurer, and supervisors of roads in their respective townships; and shall have power to establish, change, or vacate any township road in their respective townships.

SEC. 15. That when any person or persons wishing to establish cartways or any township road, or to change any township road in their respective townships, such person or persons, before any road can be thus established or changed, shall give notice of such application, at least twenty days preceding such application to the board of trustees, by setting up advertisements at three of the most public places in the township in which such road is proposed to be located or changed, and shall also present to the board of trustees a petition signed by twelve freeholders of the neighborhood through which the same may run; or at least three shall be on the route, setting forth their reasons for such location or change.

SEC. 16. And on receiving the petition, the board, if they deem it expedient, shall proceed to examine the route thus proposed, and on the view and examinations of the proposed road, they shall, if they conceive that the public good requires it, establish the same, and make a record of their proceedings in the book wherein the records of the township are kept, and when so recorded shall be deemed a public highway, and shall be opened and kept in repair as other roads and highways are in the township.

SEC. 17. The trustees, by virtue of their office, shall be commissioned to view, mark, and locate all the township roads in their respective townships for which they are chosen.

SEC. 18. The trustees of each township shall certify to the county auditor who their clerk and treasurer are, and that they have taken an oath and given bond according to this act.

SEC. 19. That so much of the road tax and township tax that may be paid into the county treasury of said county as belongs to each township, shall be paid to the treasurer of each township respectively, on or before the first Monday of June in each year, on order drawn by the county auditor.

SEC. 20. At the time the county treasurer makes such payment, the county auditor shall certify to the township clerk the amount of road and township taxes, separately, so paid by the county treasurer to the township treasurer, and it shall be the duty of the township clerk to record said certificate in the record book of the proceedings of the township trustees, which shall stand as a charge against said township treasurer; the county auditor shall also at the same time furnish each of said township treasurers with a list of land upon which taxes have been paid into the county treasury in money, and the amount upon each tract.

SEC. 21. The township treasurer (by the clerk) shall so soon as he shall have received the road tax, or any part thereof, of his township, certify to each supervisor the amount in his hands belonging to said supervisor's district.

SEC. 22. The supervisor shall upon receiving the certificate of the township treasurer proceed to expend the money belonging to his district, and give an order on the township treasurer for the amount

of labor done by order of said supervisor, which order shall be redeemed by said treasurer to the amount of money in his hands belonging to said district.

SEC. 23. Whenever there shall be in the hands of any township treasurer, the sum of five dollars of road tax or upwards, subject to the order of any supervisor for the use of roads in his district, he shall give ten days' notice of the time and place, by posting up notices in three of the most public places in his district, that he will let to the lowest bidder road work to the amount of funds in the treasurer's hands, the supervisor shall thereupon let out to the lowest responsible bidder such road work in his district as he thinks will be most advantageous to the public interest.

SEC. 24. It shall be the duty of the county auditor on or before the fifteenth day of July in each year, to make out and furnish each township clerk with a list of lands and lots subject to taxation, with the amount of road tax charged thereon, and the said township clerk shall, on or before the first day of August in each year, make out and deliver to each supervisor in his township a like list of his road district.

SEC. 25. The supervisor shall keep an account of the work done by each person, and the amount of money collected by him or coming into his hands, and of the service [source] from which the same was derived; and, also, an account of his disbursements, and of the object and purposes for which said disbursements were made, and shall file a statement thereof, verified by oath or affirmation, with the township trustees at their March session, together with the names of all persons liable to perform labor on the public highways in his district, and said trustees are hereby authorized upon the filing of the statement required as aforesaid, to allow said supervisor any sum they may think reasonable, not exceeding one dollar per day, for every day he may have been faithfully engaged in the discharge of his duties, which shall be paid out of the funds belonging [to] his road district.

SEC. 26. The township clerk shall, on or before the first day of June in each year, certify to the county auditor the amount of road tax worked out in the township, according to the report of the supervisors from their several road lists.

SEC. 27. The township treasurer shall keep a book, where he shall keep a true record of his receipts and disbursements, and collect all moneys due his township not otherwise provided for in this act.

SEC. 28. The county [auditor] shall procure at the expense of the county all necessary books for the use of each township clerk and treasurer.

SEC. 29. The county auditor for the first election under this act, shall cause one written notice to be posted up at the usual places of holding elections in each township, twenty days previous to said election; it also shall be his duty to have this act published in the Wabash Weekly Gazette for three weeks before said election.

SEC. 30. That all laws or parts of laws coming in conflict with this act are hereby repealed so far as the county of Wabash is concerned.

SEC. 31. This act to be in force from and after its passage.

CHAPTER CLXXVIII.

AN ACT for the relief of township clerks in the county of Posey.

[APPROVED JANUARY 23, 1851.]

SECTION 1. Part of act of January 17, 1849, repealed, so far as it applies to certain cases in Posey county—townships entitled to proportion of school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the nineteenth section of the act approved January the 17th, 1849, entitled "an act to increase and extend the benefits of common schools," be, and the same is hereby repealed so far as it applies to the report therein required to be made by the clerks of the boards of township trustees in the county of Posey, during the year 1850; and the said several townships in said county of Posey shall be entitled to receive the same proportion of the school fund belonging to said county, at the next annual dividend thereof, as they would be entitled to receive in case the clerks of said townships respectively had complied with the provisions of said section.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXIX.

AN ACT to amend section 12, of chapter 56, of the Revised Statutes of 1843.

[APPROVED FEBRUARY 6, 1851.]

SECTION 1. Property in possession of county treasurer, uncalled for by owner, may be sold at auction—proceeds, how disposed of.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section twelve, of chapter fifty-six, of the revised statutes of 1843, be so amended that wherever property of any kind, other than money, shall have come to the possession of any county treasurer, by virtue of the provisions of the eleventh section of the aforesaid chapter, and which still remains in the possession of any such treasurer, uncalled for by the owner thereof, and not otherwise disposed of according to law, the treasurer shall sell the same to the highest bidder at public auction, after giving ten days previous notice of the time and place of sale, for which he shall receive a commission of eight per centum therefrom, and shall pay the residue thereof into the treasury of his county, to be disposed of in the manner prescribed in said twelfth section for the disposal of money.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXX.

AN ACT defining the duties of County Treasurers in the counties of Pike, Delaware, Daviess, Elkhart, Tipton, Sullivan, Noble, Washington, Marshall, Fulton, Starke, Johnson, and Randolph.

[APPROVED JANUARY 31, 1851.]

SECTION 1. Treasurers of certain counties are not required to attend at places of holding elections, except on order of county boards.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be obligatory upon the treasurers and col-

lectors of Pike, Delaware, Daviess, Elkhart, Tipton, Sullivan, Noble, Washington, Marshall, Fulton, Starke, Johnson, and Randolph counties to attend at the places of holding elections, for the purpose of collecting and receiving the revenue, unless the board of county commissioners shall order them to do so at their June session.

SEC. 2. This act shall be in force from and after its passage, and all laws conflicting with the provisions of this act are hereby repealed, so far as the same relates to the counties of Pike, Delaware, Daviess, Elkhart, Tipton, Sullivan, Noble, Washington, Marshall, Fulton, Starke, Johnson, and Randolph.

CHAPTER CLXXXI.

AN ACT defining the duties of the Treasurer of Morgan county.

[APPROVED FEBRUARY 11, 1851.]

SECTION

1. Treasurer of Morgan county shall make report at each regular session of board of commissioners—report shall be posted up in court house.

SECTION

2. Where treasurer shall keep his office—when it shall be kept open.
3. Provisions of this act extended to the county of Greene.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the treasurer of Morgan county shall, on the first day of each regular session of the board of county commissioners of the county of Morgan, make out and report to said board a succinct statement of the receipts and expenditures of the preceding quarter, and the amount remaining in his hands, which report shall be signed by said treasurer and the auditor of said county, and a copy thereof posted up in some public place in the court house of said county by said treasurer.

SEC. 2. That the treasurer of said county be, and he is hereby required to keep his office at the county seat of said county, and shall keep the same open for the transaction of business every day in the year, Sundays and the fourth of July excepted, from the hour of nine o'clock in the forenoon until three o'clock in the afternoon, during which time he shall give attendance in person or by deputy.

SEC. 3. This act to take effect and be in force from and after its publication; and the provisions of this act are hereby extended to the county of Greene.

CHAPTER CLXXXII.

AN ACT defining the duties of the county treasurer of Lake county.

[APPROVED JANUARY 16, 1851.]

SECTION

1. Treasurer and collector of Lake county not required to attend at places of holding elections unless on the order

SECTION

of the board of county commissioners.

2. Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be obligatory upon the treasurer and collector of Lake county to attend at the places of holding elections for the purpose of collecting and receiving the revenue, unless the board of county commissioners of said county shall order him so to do.

SEC. 2. This act to be in force from and after its passage, and all laws and parts of laws conflicting with this act are hereby repealed so far as the same relates to the county aforesaid.

CHAPTER CLXXXIII.

AN ACT to amend sections 54 and 55, article 5, of the revised statutes of 1843, so far as relates to Miami county.

[APPROVED FEBRUARY 8, 1851.]

SECTION 1. Certain provisions of revised statutes of 1843, relating to county treasurers, repealed, as to Miami county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of section 54 of article 5 of the revised statutes as requires the treasurer of Miami county to attend one day or more, at the discretion of the board of county commissioners, in each township therein for the purpose of receiving taxes, and also that part of section 55 of said statute which makes it obligatory on said treasurer to give notice of the time and place to attend

at the different townships for the purpose of receiving taxes, be, and the same are hereby repealed: *Provided, however,* That the provisions of this act and the repealing clause therein contained shall apply to and affect the county of Miami alone.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXIV

AN ACT to give county treasurers until the 1st day of April, 1851, to make settlement with the auditor of State.

[APPROVED FEBRUARY 10, 1851.]

SECTION

1. Time of settlement of county treasurers with auditor of state, extended

SECTION

to first day of April, 1851.

2. When in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time at which county treasurers are required to settle the state revenue account of 1850 be extended to the first day of April, 1851.

SEC. 2. This act to be in force from and after its publication in the Indiana State Sentinel.

CHAPTER CLXXXV.

AN ACT authorizing the Treasurer and Auditor of State to re-settle with George H. Dunn, late Treasurer of State, and to correct any mistake that may be found in the former settlement of the said Dunn.

[APPROVED FEBRUARY 12, 1851.]

SECTION

1. Treasurer and auditor of state authorized to correct mistake in certain case.

SECTION

2. Treasurer and auditor authorized to make certain payments.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer and auditor of state be, and they are hereby authorized to correct any mistake that may be found in the settlement of George H. Dunn, late treasurer of state.

SEC. 2. That if, upon said settlement, there shall be found any thing due to said Dunn, it shall be the duty of the auditor to audit, and of the treasurer to pay said Dunn the amount that may be found due: payment to be made out of any money in the treasury not otherwise appropriated: *Provided*, That if it shall be found in said settlement that any error or mistake occurred in respect of any canal scrip or any depreciated funds whatever, it shall be the duty of the auditor and treasurer to ascertain, so far as they can, the amount which said Dunn was charged for said scrip or depreciated funds, and audit and allow the same to him with interest thereon.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXXVI.

AN ACT to extend further time to the borrowers of the Sinking Fund and other trust funds.

[APPROVED FEBRUARY 13, 1851.]

SECTION

1. Further time allowed to borrowers of trust funds.

SECTION

2. Additional security may be required.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the sinking fund, surplus revenue, saline, college, and school funds, shall extend the time of payment of the principal borrowed by mortgagors out of said funds, for the period of five years from and after the first day of January, 1852, on the present mortgages, if deemed by them sufficient security: *Provided, however*, That in all cases where the present security is not deemed sufficient, the said mortgagors shall have the benefit of this act by giving additional security on real estate to such commissioners' agent or agents, but the present security shall not be lessened or decreased, and when any of said loans are upon personal security, new security shall be given as in cases of original loans.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXVII.

AN ACT for the relief of the borrowers of the school fund,

[APPROVED JANUARY 31, 1851.]

SECTION 1. Provisions of an act of January 12, 1850, extended to borrowers of school funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an entitled "an act for the relief of purchasers of school lands and those persons indebted to the common school funds belonging to the state of Indiana," approved January

12th, 1850, be extended to borrowers of the school fund: *Provided*, security shall be given as in cases of original loans.

SEC. 2. This act to take effect and be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana State Journal.

CHAPTER CLXXXVIII.

An act reducing the fees for taking acknowledgments of mortgages to the trust funds.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Authorized fees in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter officers authorized by law to take acknowledgments in this state, shall be authorized to charge for such services not exceeding ten cents for each obligor, for taking any acknowledgment of a mortgage executed for the benefit of the congressional township or other trust fund of any county in this State.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIX.

AN ACT to repeal "an act to amend the Statute providing for taking a change of venue in criminal cases as far as Allen county is concerned," approved January 16th, 1849.

[APPROVED FEBRUARY 14, 1851.]

SECTION 1. Act of January 16, 1849, repealed, as far as relates to Allen county, and certain provisions of revised statutes of 1843, revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the aforesaid act as far as Allen county is concerned, be and the same is hereby repealed; and section 90 and 91, of chapter 54, of part 4th, of the revised statutes of 1843 be revived and in full force so far as the county of Allen is concerned.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CX.

AN ACT to repeal an act entitled "an act to amend the statute providing for the taking a change of venue in criminal cases," approved January 16, 1849, so far as relates to the county of Steuben.

[APPROVED JANUARY 31, 1851.]

SECTION

1. Act of January 16, 1849, repealed so far as relates to Steuben county.

SECTION

2. Certain laws revived, and declared to be in full force in the county of Steuben.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to amend the statute providing for the taking a change of venue in criminal cases," approved January 16, 1849, be, and the same is hereby repealed, so far as the same relates to Steuben county.

SEC. 2. All laws repealed by the act in the first section of this act mentioned, and which were in force prior to the passage of said

act, be, and the same are hereby revived and declared in full force so far as relates to the county of Steuben.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXCI.

AN ACT to authorize the construction of viaducts under public highways.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. Construction of viaducts or culverts authorized—proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be lawful for any person or persons to construct viaducts or culverts under public highways: *Provided,* however, That the construction of said works shall not materially obstruct the public highways under which they may pass.

SEC. 2. This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY OF INDIANA.

CHAPTER I.

A Joint Resolution authorizing the United States to purchase a site and erect a Marine Hospital at Evansville, or in its immediate vicinity.

[APPROVED JANUARY 25, 1851.]

WHEREAS, The Congress of the United States, at its last session, appropriated the sum of ten thousand dollars for the purchase of a site for the erection of a Marine Hospital at Evansville, Indiana; AND WHEREAS, It becomes necessary for the legislature to sanction the purchase of said site by the general government within the limits of this state; therefore,

Be it resolved by the General Assembly of the State of Indiana, That the United States may, and shall have the right to purchase, occupy, and possess not exceeding ten acres of land at Evansville, in the county of Vanderburgh, and state of Indiana, or in its immediate vicinity; and the consent of the general assembly is hereby given to the purchase, use, and occupation of the same by the United States for the purposes aforesaid; and that a copy of this resolution be made out by the secretary of state, under the seal of the same, and forwarded to the secretary of the treasury; and that this joint resolution be in force from and after its passage.

CHAPTER II.

A Joint Resolution relative to the claim of Col. Francis Vigo, late a citizen of Knox county, Indiana.

[APPROVED JANUARY 28, 1851.]

WHEREAS, Col. Francis Vigo, late a citizen of Knox county, Indiana, deceased, had a claim against the state of Virginia, for the sum of eight thousand six hundred and sixteen dollars, for advances made to the troops under the command of General George Rogers Clark, in what was called the "Illinois campaign, undertaken by the State of Virginia in 1778-9," which claim has been audited and allowed by the state of Virginia, and is now before the Congress of the United States for payment;

AND WHEREAS, It is matter of history, that but for advances of said Vigo to General Clark in said campaign, the troops under his command could not have been supported, and the expedition would have been abandoned, and that by means thereof, General Clark was enabled to capture Col. Hamilton and his troops, and take possession of Post Vincennes, whereby was secured the north west territory;

AND WHEREAS, We believe that the claim of said Vigo is just, due, and unpaid, and that the same should long since have been settled, and paid by the United States; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed and our representatives requested to endeavor to procure the passage of a law, providing for the payment of said claim.

Resolved, further, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our senators and representatives in congress.

CHAPTER III.

A Joint Resolution on the subject of the Michigan City Harbor.

[APPROVED JANUARY 30, 1851.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress are hereby instructed, and our representatives earnestly requested to use every exertion to procure an appropriation, during the present session of congress, for the further prosecution and completion of the harbor at Michigan City in the State of Indiana.

Be it further resolved, That his excellency, the governor, be requested to transmit immediately copies of this joint resolution to each of our senators and representatives in congress.

CHAPTER IV.

A Joint resolution in relation to the bounty land law of Congress, of September 28th, 1850.

[APPROVED JANUARY 31, 1851.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed and our representatives be requested to use their exertions and influence to procure, if possible, such a change in the bounty land law passed by congress on the 28th of September, A. D. 1850, as will entitle the lineal heirs of a deceased soldier entitled to land under said act to the same quantity of land as the deceased would be entitled if living without reference to the age of such lineal heirs.

CHAPTER V.

A Joint Resolution upon the subject of lands for school purposes.

[APPROVED FEBRUARY 4, 1851.]

WHEREAS, The original grant of every (16) sixteenth section of public lands in the State for school purposes, has in many instances entirely failed to confer upon the inhabitants of many townships in the state any benefit whatever; a portion of our state is made up of sterile hills and unproductive swamps, consequently when the location of a sixteenth section falls upon an unproductive spot it is of no value to the inhabitants of the township;

AND WHEREAS, It is often the case that where a school section is poor land a great part of the lands of the township are also poor;

AND WHEREAS, It is well known that when the lands are poor in an agricultural county, those who inhabit it are usually poor also;

AND WHEREAS, If any portion of the people should receive the benefit arising from public school funds it is assuredly the poor man; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators be instructed and our representatives in Congress requested to use their influence and votes to obtain a grant of lands for school purposes, in lieu of each 16th section which is not of the value of one dollar and twenty-five cents per acre.

CHAPTER VI.

A Joint Resolution on the subject of the sale of the Northern Division of the Central Canal.

[APPROVED FEBRUARY 7, 1851.]

Resolved by the General Assembly of the State of Indiana, That the sales heretofore made by his excellency the Governor, of the northern division of the central canal as reported by him in his annual message, be, and the same are hereby approved, and that his excellency the Governor be directed to convey the several portions of said canal, with the rights, privileges, and appurte-

nances thereto belonging as sold by him to the purchasers, their heirs or assigns so soon as said purchasers severally, their heirs or assigns, shall pay the purchase money by them severally bid, and execute the bonds pursuant to the conditions of sale, to the acceptance of his excellency the Governor.

CHAPTER VII.

A Joint Resolution on the subject of appropriating money for the erection of a public building.

[APPROVED FEBRUARY 11, 1851.]

WHEREAS, The general government is unprovided with any buildings at this place for its own use, as a court house, offices of clerk and marshal of the United States court, post office, and land offices;

AND WHEREAS, The [public] business is done by said court, and in said offices, in buildings unsafe, inconvenient, exposed to destruction by fire, and at great expense; therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives be requested, to use their influence to procure an appropriation for the erection of a suitable building, in connection with buildings to be erected by the state, for public offices and uses.

CHAPTER VIII.

A Joint Resolution in relation to the World's Fair.

[APPROVED FEBRUARY 12, 1851.]

WHEREAS, Several citizens of this state, impelled by a laudable desire to witness the most magnificent exhibition of the perfection

of the mechanic arts and agricultural products the world has ever had, design, at their own expense, and on their own responsibility, to attend the world's fair proposed to be held in London in May next;

AND WHEREAS, It is believed that much benefit may result to citizens of this state by a portion of her citizens visiting said fair, and to enable such delegates to derive the greatest possible advantages from such visit; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the Governor of this state be, and he is hereby authorized to give such persons as he may deem proper a certificate as delegate from the state of Indiana to the world's fair.

CHAPTER IX.

A Joint Resolution suspending the operation of a certain act therein named.

[APPROVED FEBRUARY 13, 1851.]

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the provisions of an [act] entitled "an act for the relief of Amariah Hazen," approved January 15th, 1851, be, and the same is hereby suspended until the meeting of the next general assembly.

SEC. 2. This joint resolution to take effect and be in force from and after its passage.

CHAPTER X.

A Joint Resolution in relation to the Slave Trade.

(APPROVED FEBRUARY 13, 1851.)

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives

requested, to use their votes and influence to effect a change of national policy on the subject of the African slave trade, and that they propose, and use their influence to effect permanent settlements on the coast of Africa, by free persons of color from the United States.

And be it further resolved, That his excellency the governor be, and he is hereby authorized to furnish each of our senators and representatives a copy of this joint resolution, and one copy to each of the governors of the states, with a request that he lay the same before the legislature thereof.

CHAPTER XI.

A Joint Resolution authorizing the distribution of the Debates of the late Constitutional Convention.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, The constitutional convention, at its late session, authorized each member of the present general assembly, and the officers of the same, to receive a copy of the debates of said convention, and as but one volume of said debates can be had during the present session of the legislature; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the secretary of state be, and he is hereby authorized and directed, when he distributes the laws and journals of the present [session] of the general assembly, he is to distribute the remaining copies of the journal of debates and journals to each person entitled to receive the same, and forward them with the laws and journals to the respective clerks' offices in the different counties where such member or officer may reside.

SEC. 2. This joint resolution shall be in force from and after its passage.

CHAPTER XII.

A Joint Resolution in relation to papers and records appertaining to the Wabash and Erie Canal, its extensions and feeders.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, It is represented and believed that sundry releases, receipts, and records are now on file at the seat of government, in the various state offices, having relation to the Wabash and Erie canal, its extensions and feeders, while these works were prosecuted on the sole account of the state of Indiana;

AND WHEREAS. These papers and records are important in the settlement of questions which arise in prosecuting said canal, its extensions and feeders; therefore,

Resolved by the General Assembly of the State of Indiana, That the auditor of state be directed to deliver to the trustees of the Wabash and Erie canal, or their duly authorized agent, all releases, receipts, and records now on file, or which may be recovered, in any of the state offices at the seat of government, having relation to said canal, its extensions and feeders; the same to be kept by said trustees, and to be used by them in the same manner that they could be by the state of Indiana, in all settlements for damages and right of way, or in any other manner whatsoever.

Resolved further, That should any expense be incurred for clerk hire in carrying into effect the provisions of this joint resolution, the same shall be paid by the trustees of the Wabash and Erie canal.

This joint resolution to take effect and be in force from and after its passage.

CHAPTER XIII.

A Joint Resolution for the relief of Captain William Waldo.

[APPROVED FEBRUARY 13, 1851.]

WHEREAS, Captain William Waldo of Missouri, during the last season, by laudable exertions and by great personal sacrifices, was instrumental in saving many of our fellow-citizens from suffering and

starvation, in crossing the deserts to California, whereby he deserves the gratitude of his race and the consideration of his country; therefore,

Be it resolved by the General Assembly of the State of Indiana, That his claims for compensation be earnestly recommended to the favorable attention of the congress of the United States, and that our senators be instructed, and our representatives requested to use their influence in securing an appropriation from the national treasury, or a donation in lands for the purpose of making him a just remuneration for his humane services.

SEC. 2. This joint resolution to be in force from and after its passage.

CHAPTER XIV.

[APPROVED FEBRUARY 14, 1851.]

A Joint Resolution granting the freedom of the State Library to Capt. Michael Fitzgibbon and John B. Dillon.

Be it enacted by the Senate and House of Representatives of the State of Indiana, That the freedom of the State Library is hereby granted to Capt. Michael Fitzgibbon and John B. Dillon to the same extent that the same is now enjoyed by members of the General Assembly of the State of Indiana. This joint resolution shall go into effect from and after its passage.

STATE OF INDIANA, }
OFFICE OF SECRETARY OF STATE. } SS:

I, CHARLES H. TEST, Secretary of State for the State aforesaid, certify that I have compared the foregoing with the enrolled acts and joint resolutions from which they were taken, now on file in my office, and have found them correctly printed. A few words designated [thus,] were inserted by me, in order to aid the sense.

In Witness Whereof, I have hereunto set my hand and affixed the seal of
[SEAL.] the State, at the city of Indianapolis, the sixth day of May, A. D. 1851.

CHARLES H. TEST,

Secretary of State.

EXTRACTS

FROM THE

REPORT OF THE AUDITOR OF STATE,

For the year ending October 31, 1850.

AUDITOR OF STATE'S OFFICE,
Indianapolis, November 20, 1850. }

To the General Assembly:

In compliance with the law requiring the Auditor of State "to exhibit to the General Assembly, at its annual meeting, a complete statement of the revenues, taxables, funds, resources, incomes, and property of the State," as well as "the expenditures of the preceding fiscal year," the following statement is respectfully submitted, showing the operations of the Treasury Department for the fiscal year ending October 31st, 1850, and the condition of the finances at said date.

The several items are presented under the following heads:

- I. A General Statement of the Receipts and Expenditures of the State during the fiscal year.
- II. A Statement of the several Appropriations and of the amount expended, Balances unexpended, and Appropriations overdrawn.
- III. The Condition of the State Debt, Foreign and Domestic.
- IV. A Statement in detail of the Receipts and Expenditures of the various Trust Funds, and the Funds appropriated for the Benevolent Institutions.
- V. Internal Improvements.
- VI. General Remarks.
- VII. Appendix.

1. A GENERAL STATEMENT OF THE RECEIPTS AND EXPENDITURES DURING THE FINANCIAL YEAR 1850.

RECEIPTS.

Balance remaining in the Treasury at the close of the last fiscal year, Oct. 31, 1849, \$428,941 19
The following sums were received during the financial year which closed Oct. 31, 1850, to-wit:

REVENUE.

On account of Revenue of 1843,.....	222 80
On account of Revenue of 1846,.....	557 61
On account of Revenue of 1847,.....	100 00
On account of Revenue of 1848, Delinquent,.....	35,367 17
On account of Revenue of 1849,.....	415,114 59
On account of Revenue of 1850,.....	4,102 33
On account of Revenue of 1849, Delinquent,.....	165 52

UNIVERSITY FUND.

On account of Loans refunded,	4,730 60
On account of Sales of Land, Principal,.....	129 61
On account of Sales of Land, Interest,.....	383 91
On account of Interest on Loans,	4,230 92
On account of Costs of advertising refunded,.....	2 00

BANK TAX FUND.

On account of Loans refunded,	395 00
On account of Interest on Loans,	516 54
On account of State Bank Assessment,.....	1,073 65

SURPLUS REVENUE FUND.

On account of Loans refunded,	1,282 45
On account of Interest on Loans,	515 39

SALINE FUND.

On account of Loans refunded,	1,804 89
On account of Interest on Loans,.....	1,488 83
On account of Damages on forfeited Lands,.....	19 00
On account of Sales of Saline Lands, Principal,	1,375 08
On account of Sales of Saline Lands, Interest,	311 65

CONGRESSIONAL TOWNSHIP FUND.

On account of Loans refunded,	73 00
On account of Interest on Loans,	101 75

TREASURY FUND.

On account of Interest on Loans,	35 46
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COMMON SCHOOL FUND.

On account of Profits of State Bank,	55,863 00
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INDIANAPOLIS LOTS.

On account of Sales of Lots,.....	281 25
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HOSPITAL FOR THE INSANE.

On account of Sales of Lots,	699 97
On account of Loan from Bank,	13,000 00

DEAF AND DUMB ASYLUM.

On account of Loan from Bank,	1,476 50
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MADISON AND INDIANAPOLIS RAILROAD.

On account of Dividend on Stock,.....	1,129 50
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STATE'S PRISON.

On account of Sale of Old Prison,.....	709 64
On account of Rent of Prison,.....	10,433 28
On account of Fees refunded,.....	2 50

NORTHERN DIVISION OF CENTRAL CANAL.

On account of Water Rents,.....	2,165 74
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LAWRENCEBURGH AND INDIANAPOLIS RAILROAD.

On account of Loan to Company,.....	2,061 96
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NEW ALBANY AND VINCENNES ROAD.

On account of Tolls,.....	12,621 97
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ESTATES WITHOUT HEIRS.

On account of Estates without Heirs,	200 89
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REVISED STATUTES.

On account of Sales of,.....	65 55
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WABASH AND ERIE CANAL BY TRUSTEES.

On account of Tolls and Water Rents,	252,473 01
On account of Subscription by Bondholders,	407,850 00
On account of Canal Lands, E. & W. of Tippecanoe,	56,635 32
On account of Canal Lands, Vincennes District,	75,422 56
On account of Interest and Exchange,	25,114 81
On account of Error in Disbursements,.....	553 00
On account of Canal Scrip, West of Tippecanoe,....	22,490 00
On account of Canal Scrip East, Principal,	12,999 88
On account of Canal Scrip, East, Interest,.....	3,611 03

MISCELLANEOUS.

On account of Public Printing refunded,.....	216 00
On account of Miscellaneous Items,	100 67
On account of Suspended Debt,.....	50 00
On account of Insurance Tax,.....	116 00

Total amount of Receipts from Nov. 1st, 1849, to Oct.

31, 1850, inclusive,.....	\$1,432,442 78
Add balance in Treasury Nov. 1, 1849,.....	428,941 19

Grand Total of Receipts,.....\$1,861,383 97

EXPENDITURES.

There were audited during the financial year ending October 31st, 1850, the following sums, to-wit:

ORDINARY EXPENSES.

On account of Probate Judges,.....	4,795 00
On account of Supreme and Circuit Judges,.....	14,910 81
On account of State House,.....	588 71
On account of Specific Appropriations,.....	3,114 29
On account of Public Printing, Paper and Binding, ..	11,522 49
On account of Legislative Expenses,.....	31,010 64
On account of State Library,.....	964 81
On account of the Militia,	539 17
On account of Stationery and Fuel,	2,453 13
On account of Executive Department,	5,877 93
On account of Contingent Fund, to-wit:	
To Jas. Hughes, Att'y in the McGinley case, \$400 00	
To Walpole & Quarles, Attorneys in the McGinley case,.....	400 00
To Saml. H. Buskirk, arbitrator,.....	105 75
Transcript of McGinley case,.....	95 50
Postage account,.....	272 38
Sundry allowances by Gov. Wright,	491 67
	<u>1,765 30</u>
On account of Governor's Circle,	525 34
On account of Governor's House,	1,309 56
On account of Transpt. of Public Arms,	79 75
On account of State's Prison,	3,606 63
On account of Distributing Laws and Journals,.....	551 54

PUBLIC DEBT.

On account of Interest for January and July,.....	188,595 00
On account of Salary and Expenses of Agency to close of Collins's term,.....	5,911 27
On account of Salary of Agent, Col. May,.....	1,434 93
On account of Expenses of Agency,.....	149 66

TREASURY NOTES.

On account of Five per cents. cancelled,.....	46,410 00
On account of interest on same,.....	16,150 68
On account of Six per cents. cancelled,.....	86,000 00
On account of interest on same,.....	43,067 35
On account of Quarter per cents. cancelled,.....	12,165 00
On account of Interest on same,.....	202 75
On account of Incidental Expenses of,.....	261 00

UNIVERSITY FUND.

On account of Loans,.....	10,074 00
On account of Interest refunded,.....	28 00
On account of Damages on Sales of Lands,.....	278 14
On account of Expenses of Fund,.....	252 25
On account of Professors' Salaries,.....	3,700 00

SALINE FUND.

On account of Damages,.....	431 08
On account of Distribution of Fund,.....	6,708 80
On account of Purchase of Bank Stock,.....	550 00
On account of Expenses of Fund,.....	75 65

BANK TAX FUND.

On account of Distribution of Fund,.....	3,583 18
On account of Damages,.....	41 78

SURPLUS REVENUE FUND.

On account of Loans,.....	500 00
On account of Distribution of Fund,.....	342 02

CONGRESSIONAL TOWNSHIP FUND.

On account of Loans,.....	253 30
On account of Fund distributed,.....	57 30

TREASURY FUND.

On account of Damages on Loans,.....	28 64
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CENTRAL CANAL, NORTHERN DIVISION.

On account of Repairs,.....	2,548 58
On account of Incidental Expenses,.....	1,005 56

NEW ALBANY & VINCENNES ROAD.

On account of Construction,.....	3,196 02
On account of Repairs,.....	6,193 61
On account of Contingent Expenses,.....	2,328 85
On account of Damages,.....	1 00

MISCELLANEOUS.

On account of Estates without Heirs,.....	292 81
On account of New State's Prison,.....	12,935 90
On account of M. & I. Railroad Stock,.....	8,012 33
On account of Interest on State Bonds,.....	75 00
On account of Revenue Refunded,.....	1,550 62
On account of Constitutional Convention,.....	1,014 48
On account of W. & E. Canal,.....	613 50

BENEVOLENT INSTITUTIONS.

On account of Deaf and Dumb Asylum,.....	27,979 92
On account of Blind Asylum,.....	11,781 09
On account of Insane Hospital,.....	32,501 33
On account of Superintendent of Insane Hospital, ..	1,500 00

JEFFERSONVILLE & CRAWFORDSVILLE ROAD.

On account of Construction,.....	16,000 00
On account of Incidental Expenses,.....	722 00

WABASH AND ERIE CANAL BY TRUSTEES.

On account of General Expenses of Trustees,	28,675 65
On account of Expenses of Land Office, Vincennes District,	1,662 24
On account of Expenses of Land Office E. and W. Tippecanoe,	4,192 68
On account of Ordinary Repairs,	54,871 74
On account of Extraordinary Repairs,	35,255 29
On account of Surveys and Locating,	20,396 48
On account of Construction, Coal creek to Terre Haute,	75,634 38
On account of Construction, Terre Haute to Pt. Commerce,	184,213 07
On account of Construction, Pt. Commerce to Newbury,	120,209 87
On account of Construction, Newbury to Maysville, ..	71,550 25
On account of Construction South of Maysville,	151,444 26
On account of Damages and Water Power,	6,780 50
On account of Superintendence,	9,149 17
On account of Expense of Collection,	7,542 59
On account of Interest to Bondholders,	53,409 68

WABASH & ERIE CANAL SCRIP.

On account of Incidental Expenses, Scrip East,	45 00
On account of Incidental Expenses, Scrip West,	27 00
On account of Scrip East, Principal cancelled,	25,453 01
On account of Scrip East, Interest cancelled,	6,056 70
On account of Scrip West, cancelled,	15,845 00

Whole amount audited during financial year 1850,
warrants No. 4154 to No. 5202, inclusive, \$1,513,534 04

RECAPITULATION.

Balance in Treasury, Oct. 31, 1849,	428,941 19
Receipts for 1850,	1,432,442 78
	<u>\$1,861,383 97</u>
Deduct Warrants as above,	1,513,534 04
Balance in Treasury, Oct. 31, 1850,	<u>\$347,849 93</u>

II. Synopsis of the Appropriations of 1850, including Balances of 1849, and showing amounts overdrawn, and unexpended, Oct. 31st, 1850.

	Appropriations for '50 including balance of 1849.	Expenditures of 1850.	Balance unexpended.	Amounts overdrawn.
Legislature, ..	\$29,534 14	\$31 010 64		1,476 50
Executive, ..		5,877 93		
Judiciary, ..	16,500 00	14,910 81		573 48
Same overdrawn in 1849, ..		2,162 67		
Public Printing, ..	6,716 00	11,522 49		6,277 71
Same overdrawn in 1849, ..		1,471 22		
Probate Judges, ..	4,500 00	4,795 00		861 00
Same overdrawn in 1849, ..		566 00	1,683 09	
Specific Appropriations, ..	4,797 38	3,114 29		
State House, ..	370 27	588 71		218 44
State Library, ..	848 01	964 81		116 80
Militia, ..	225 00	539 17		314 17
Governor's House, ..	1,045 72	1,309 56		263 84
Stationery and Fuel, ..	3,500 00	2,453 13		
Same overdrawn for 1849, ..		916 36	130 51	581 67
State Prison, ..	3,024 96	3,6 6 63		
Distribution of Laws and Journals, ..	500 00	551 54		184 12
Same overdrawn for 1849, ..		132 58		
Transpt. of Public Arms, ..	100 00	79 75		97 35
Same overdrawn for 1849, ..		117 60		
Contingent Fund, ..	500 00	1,765 30		1,607 42
Same overdrawn for 1849, ..		342 12		
Governor's Circle, ..	500 00	525 34		25 34
State Convention, ..	40,000 00	1,014 48	38,985 52	

III. STATE DEBT.

FOREIGN STATE DEBT.

Bonds issued for Internal Improvement System,.....	\$8,900,000
Bonds issued for Wabash and Erie Canal,.....	1,727,000
Bonds issued for State Bank of Indiana,.....	2,413,000
Bonds issued for 4th installment Surplus Revenue,...	294,000
Bonds issued for Madison and Indianapolis Railroad,	456,000
Bonds issued for Lawrenceburgh and Indianapolis Railroad,.....	221,000
Bonds, 7 per cent., issued to pay interest on Bonds,...	1,100,000
Making total amount issued,.....	<u>\$15,111,000</u>

BONDS REDEEMED AND CANCELLED.

Surplus Revenue Bonds,.....	294,000
Lawrenceburgh and Indianapolis Railroad Bonds,...	189,000
Internal Improvement Bonds,.....	426,000
Irregular Bonds cancelled as not sold,.....	700,000
Total redeemed and cancelled,.....	<u>\$1,609,900</u>
Add for bonds on which the Bank pays interest and is to redeem principal,.....	1,390,000
Add for 7 per cent Bonds issued but never sold,...	1,064,000
Making a total of,.....	<u>\$4,063,900</u>
The whole amount issued as above is,.....	<u>15,111,000</u>
Total amount of Bonds outstanding prior to surrender, under State debt arrangement with holders,...	<u>\$11,048,000</u>

BONDS SURRENDERED.

Wabash and Erie Canal Bonds.

678 Bonds surrendered by subscribers prior to July 1st, 1847,.....	\$678,000
277 Bonds surrendered by non-subscribers prior to July 1st, 1847,.....	277,000

164 Bonds surrendered by subscribers to January 1st, 1848,.....	165,000
54 Bonds surrendered by non-subscribers to January 1st, 1848,.....	54,000
41 Bonds surrendered by non-subscribers to July 1st, 1848,.....	41,000
8 Bonds surrendered by non-subscribers to July 1st, 1849,.....	8,000
3 Bonds surrendered by non-subscribers to February 4, 1850,.....	3,000
24 Bonds surrendered by non-subscribers to August 5, 1850,.....	24,000
Total surrendered to August 5, 1850,.....	<u>\$1,250,000</u>

Internal Improvement Bonds.

5662 Bonds surrendered by subscribers to July 1st, 1847,.....	\$5,662,000
353 Bonds surrendered by non-subscribers to July 1st, 1847,.....	353,000
478 Bonds surrendered by subscribers to January 1st, 1848,.....	478,000
146 Bonds surrendered by non-subscribers to January 1st, 1848,.....	146,000
45 Bonds surrendered by non-subscribers to July 1st, 1848,.....	45,000
118 Bonds surrendered by non-subscribers to July 1st, 1849,.....	118,000
92 Bonds surrendered by non-subscribers to February 4, 1850,.....	92,000
79 Bonds surrendered by non-subscribers to August 5, 1850,.....	79,000
Total surrendered to August 5, 1850,.....	<u>\$6,973,000</u>

Madison and Indianapolis Railroad Bonds.

300 Bonds surrendered by subscribers to July 1st, 1847, ..	\$300,000
28 Bonds surrendered by non-subscribers to July 1st, 1849,.....	28,000

16 Bonds surrendered by subscribers to January 1st, 1848,	16,000
2 Bonds surrendered by non-subscribers to January 1st, 1848,	2,000
2 Bonds surrendered by non-subscribers to July 1st, 1848,	2,000
4 Bonds surrendered by non-subscribers to July 1st, 1849,	4,000
6 Bonds surrendered by non-subscribers to February 4, 1850,	6,000
7 Bonds surrendered by non-subscribers to August 5, 1850,	7,000
Total surrendered to August 5, 1850,	<u>\$365,000</u>

Lawrenceburgh and Indianapolis Railroad Bonds.

68 Bonds surrendered by subscribers to July 1st, 1847,	\$68,000
3 Bonds surrendered by subscribers to Jan. 1st, 1848,	3,000
1 Bond surrendered by non-subscribers to January 1st, 1848,	1,000
4 Bonds surrendered by non-subscribers to July 1st, 1849,	4,000
4 Bonds surrendered by non-subscribers to August 5, 1850,	4,000
Total surrendered to August 5, 1850,	<u>\$80,000</u>

State Bank Bonds.

719 Bonds surrendered by subscribers to July 1st, 1847,	\$719,000
27 Bonds surrendered by non-subscribers to July 1st, 1847,	27,000
52 Bonds surrendered by subscribers to January 1st, 1848,	52,000
8 Bonds surrendered by non-subscribers to January 1st, 1848,	8,000
4 Bonds surrendered by non-subscribers to July 1st, 1848,	4,000
28 Bonds surrendered by non-subscribers to July 1st, 1849,	28,000

7 Bonds surrendered by non-subscribers to February 4, 1850,	7,000
21 Bonds surrendered by non-subscribers to August 5, 1850,	21,000
Total surrendered to August 5, 1850,	<u>\$866,000</u>

Seven Per Cent. Bonds issued to pay Interest.

18 Bonds surrendered by subscribers to July 1st, 1847,	\$18,000
3 Bonds surrendered by non-subscribers to July 1st, 1847,	3,000
1 Bond surrendered by non-subscribers to January 1st, 1848,	1,000
7 Bonds surrendered by non-subscribers to July 1st, 1848,	7,000
Total surrendered to August 5, 1850,	<u>\$29,000</u>

Recapitulation.

Bonds outstanding at period of arrangement of State Debt, July 1st, 1847,	\$11,048,000
Amount surrendered up to August 5, 1850,	9,563,000
Total outstanding August 5, 1850,	<u>\$1,485,000</u>

STATE STOCKS.

State Five Per Cent. Stock.

The amount of half the principal of Bonds surrendered chargeable to the State Treasury, for which 5 per cent. State Stock issued is as follows, viz:

Stock to subscribers to July 1st, 1847,	\$3,722,500
Stock to non-subscribers to July 1st, 1847,	344,000

Stock to subscribers to January 1st, 1848,	357,000
Stock to non-subscribers to January 1st, 1848,	106,000
Stock to non-subscribers to July 1st, 1848,	49,500
Stock to non-subscribers to July 1st, 1849,	81,000
Stock to non-subscribers to February 4, 1850,	54,000
Stock to non-subscribers to August 5, 1850,	67,500
Total 5 per cent. State Stock to August 5, 1850,	<u>\$4,781,500</u>

Two and one-half Per Cent. State Stock.

The amount of one-half the interest and one per cent. of the principal of the Bonds surrendered chargeable to the State Treasury, for which State Stock issued with interest, at the rate of two and one half per cent., commencing in 1853, is as follows, viz:

Stock to subscribers to July 1st, 1847,	\$1,327,948 00
Stock to non-subscribers to July 1st, 1847,	121,852 50
Stock to subscribers to January 1st, 1848,	126,530 00
Stock to non-subscribers to January 1st, 1848,	38,337 00
Stock to non-subscribers to July 1st, 1848,	18,675 00
Stock to subscribers for one half of coupons on Bonds surrendered to January 1st, 1848,	7,950 00
Stock to non-subscribers for one-half of coupons on Bonds surrendered to July 1st, 1848,	1,325 00
Stock to non-subscribers for one-half of coupons on Bonds surrendered to July 1st, 1849,	33,570 00
Stock to non-subscribers to February 4, 1850,	23,375 00
Stock to subscribers for one-half of coupons on Bonds surrendered to February 4, 1850,	2,625 00
Stock to non-subscribers for one-half of coupons on Bonds surrendered to February 4, 1850,	2,762 50
Stock to non-subscribers to August 5, 1850,	31,690 00
Stock to non-subscribers for one-half of coupons on Bonds surrendered to August 5, 1850,	87 50
Total 2½ per cent. State Stock issued to August 5, 1850,	<u>\$1,736,727 50</u>
Deduct for 2½ per cent. stock redeemed up to August 5, 1850,	20,000 00
Total 2½ per cent. stock outstanding August 5, 1850, ..	<u>\$1,716,727 50</u>

Preferred Five Per Cent. Canal Stock.

The amount of one-half the principal of Bonds surrendered chargeable to the canal, for which 5 per cent. Stock issued to subscribers of \$800,000 to canal, is as follows, viz:

Stock to subscribers prior to July 1st, 1847,	3,722,000
Stock to subscribers to July 1st, 1848,	\$357,000
Total preferred Canal Stock issued to August 5, 1850, ..	<u>\$4,079,500</u>

Deferred Five Per Cent. Canal Stock.

The amount of one-half the principal of Bonds surrendered chargeable to canal, for which five per cent. stock issued to non-subscribers to \$800,000 loan to canal, is as follows, viz:

Stock to non-subscribers prior to July 1st, 1847, ...	\$344,000
Stock to non-subscribers to Jan. 1st, 1848,	106,000
Stock to non-subscribers to July 1st, 1848,	49,500
Stock to non-subscribers to July 1st, 1849,	81,000
Stock to non-subscribers to Feb. 4th, 1850,	54,000
Stock to non-subscribers to Aug. 5th, 1850,	67,500
Total stock issued to August 5th, 1850,	<u>\$702,000</u>

Special Preferred Two and One-half Per Cent. Canal Stock.

The amount of one-half of the interest on Wabash and Erie Canal Bonds surrendered chargeable to Canal, for which 2½ per cent. stock issued to subscribers of \$800,000, as loan to Canal, is as follows viz:

Stock to subscribers prior to July 1st, 1847,	\$1,106,725
Stock to subscribers to July 1st, 1848,	98,950
Stock to subscribers for one half of coupons surrendered to July 1st, 1848,	7,950

Stock to subscribers for one-half of coupons surrendered to August 5th, 1850,	2,625
Total issued to Aug. 5th, 1850,	<u>\$1,216,250</u>

Special Deferred Two and One-half Per Cent. Canal Stock.

The amount of one-half the interest on Wabash and Erie Canal Bonds surrendered, chargeable to canal, for which $2\frac{1}{2}$ per cent. Stock issued to non-subscribers to loan of \$800,000 to Canal, is as follows, viz:

Stock to non-subscribers prior to July 1st, 1847,	\$101,212 50
Stock to non-subscribers to Jan. 1st, 1848,	30,587 50
Stock to non-subscribers to July 1st, 1848,	13,725 00
Stock to non-subscribers for one-half the coupons, to July 1st, 1848,	1,325 00
Stock to non-subscribers to July 1st, 1849,	22,250 00
Stock to non-subscribers to Feb. 4th, 1850,	15,950 00
Stock to non-subscribers for one-half the coupons to Feb. 4th, 1850,	2,762 50
Stock to non-subscribers to Aug. 5th, 1850,	19,500 00
Stock to non-subscribers for one-half of coupons to Aug. 5th, 1850,	87 50
Total stock issued to Aug. 5th, 1850,	<u>\$207,400 00</u>

Recapitulation of Stocks Issued.

5 per cent. State Stock,	\$4,781,500 00
$2\frac{1}{2}$ per cent. State Stock,	1,736,727 50
5 per cent. preferred Canal Stock,	4,079,500 00
5 per cent. deferred Canal Stock,	702,000 00
$2\frac{1}{2}$ per cent. special preferred Canal Stock,	1,216,250 00
$2\frac{1}{2}$ per cent. special deferred Canal Stock,	207,400 00
Total stock issued to Aug. 5th, 1850,	<u>\$12,723,377 50</u>
Deduct $2\frac{1}{2}$ per cent. State Stock redeemed,	20,000 00
Total outstanding Aug. 5th, 1850,	<u>\$12,703,377 50</u>

Interest is paid by the State on State 5 per cents. only, and that at a rate of 4 per cent. until 1853, after which the rate will be 5 per cent. After 1853 the $2\frac{1}{2}$ per cent. State Stock will bear that interest.

The Canal stocks are thrown upon the Canal for their redemption, principal and interest, under the arrangement of the Public Debt of the State with the bondholders.

INTEREST ON STATE DEBT.

The amount of Interest due and paid to the 5th of Aug. 1850, under the arrangement with the Bondholders, is as follows:

<i>Date of Dividends.</i>	<i>Amount.</i>	<i>Amount Paid.</i>	<i>Balance Unpd.</i>
July 1st, 1847,	\$82,880 00	\$82,810 00	\$70 00
Jan. 1st, 1848,	90,590 00	90,450 00	140 00
July 1st, 1848,	91,580 00	91,430 00	150 00
Jan. 1st, 1849,	93,090 00	92,850 00	240 00
July 1st, 1849,	95,300 00	94,740 00	560 00
Jan. 1st, 1850,	95,820 00	94,690 00	1,130 00
July 1st, 1850,	97,710 00	92,299 00	5,411 00

DOMESTIC DEBT OF THE STATE.

Six Per Cent. Treasury Notes.

Total amount issued,

\$1,500,000

Redeemed—

In 1841-2,	147,700
In 1843,	398,565
In 1844,	200,525
In 1845,	114,540
In 1846,	147,370
In 1847,	148,510
In 1848,	70,580
In 1849,	62,740
In 1850,	86,000

Total amount redeemed and cancelled,

\$1,376,530

Leaving a balance of.....	\$123,470
From which deduct amount on hand for cancellation,	64,000
Leaves total amount in circulation,.....	<u>\$59,470</u>

Five Per Cent. Bank Scrip.

Total amount issued,.....	\$722,640
Redeemed—	
In 1843,	46,350
In 1844,	91,990
In 1845,	72,405
In 1846,	76,590
In 1847,	100,320
In 1848,	56,400
In 1849,	56,350
In 1850,	46,410
Total amount redeemed and cancelled,.....	<u>\$546,815</u>
Leaving a balance of.....	\$175,825
From which deduct amount on hand for cancellation,	65,000
Leaves total amount unredeemed,.....	<u>\$110,825</u>

Quarter Per Cent. Treasury Notes.

Total amount of issue,.....	\$70,000
Redeemed—	
In 1848.....	28,750
In 1849.....	31,565
In 1850.....	12,165
	<u>72,480</u>
Add amount on hand for cancellation,.....	3,460
Total amount redeemed,	\$75,940
Excess of notes redeemed over notes issued,.....	<u>5,940</u>

Former reports from this department erroneously stated the amount of the issue of quarter per cent. Treasury notes at \$100,000, the Auditor being misled by the blank Register in his office. It appears upon examination that this sum was prepared by the Auditor for circulation and countersigned by the clerk, but the last \$30,000 from No. 14,001 to No. 20,000, were never signed by the Treasurer or accounted for by him, the amount not being wanted for the purpose for which this description of notes was designed, the redemption of Fifties of the 6 per cent. issue.

The sum of \$70,000 only was charged to, and accounted for by the Treasurer of State, Geo. H. Dunn, Esq., in his report of Nov. 22d, 1842. He also reports that he had paid out of these funds the sum of \$41,250 in the redemption of 50's, leaving in his hands the sum of \$28,750, which was kept in original packages, transferred by Mr. Dunn to Mr. Mayhew, and by Mr. Mayhew to Mr. Hanna, and was finally destroyed by the Committee of Ways and means in January, 1848.

It will be seen that the amount redeemed already exceeds the amount issued and accounted for in the sum of \$5,940, to which is to be added the probable amount still in circulation, say \$2,000, making a total excess of \$7,940, all of which is a loss to the State. It was found on registering the notes received during the last year that a large portion of them, although genuine, were duplicate numbers, and notes of this description have from time to time been registered amounting to about this excess. The attention of former officers was called to this subject, but they were unable to throw any light upon it. An examination of the matter by a committee of the Legislature is respectfully suggested.

INTEREST ACCOUNT.

The following sums have been paid at the State Treasury as Interest on Treasury Notes:

Interest on Treasury Notes—	
On six per cents,	\$258,676 04
On five per cents,	82,263 33
On quarter per cents,	572 54
Total amount audited,	<u>\$341,511 91</u>
Add Interest on notes on hand, 6 per cents,	35,000 00
Add Interest on notes on hand, 5 per cents,	25,000 00
Total,	<u>\$401,511 91</u>

RECAPITULATION.

Six per cents redeemed,.....	\$1,440,530 00
Five per cents redeemed,.....	611,175 00
Quarter per cents redeemed,.....	75,940 00
Total interest allowed,.....	401,511 91
Amount paid on Domestic Debt,.....	<u>\$2,529,156 91</u>

Notes in Circulation.

Six per cents,.....	\$59,470 00
Five per cents,.....	110,825 00
Quarter per cents, estimated,.....	2,000 00
Total principal,.....	<u>\$172,295 00</u>
Estimated interest,.....	85,000 00
Total Domestic Debt,.....	<u>\$257,295 00</u>

Provision being made for the redemption of the Five per cent. Bank Scrip, by the Common School fund, derived from Bank profits, through the Sinking Fund Commissioners, it will mostly be absorbed through that channel, and will leave chargeable upon the ordinary revenues of the State the amount of Six per cents. in circulation, as follows:

Amount of Principal,.....	\$59,470
Estimated Interest,.....	35,000
Total,	<u>\$94,470</u>

VI. GENERAL REMARKS.

The exhibit of Receipts and Expenditures for the fiscal year ending Oct. 31st, 1850, shows the following summary:

Balance in Treasury Nov. 1, 1849,.....	\$428,941 19
Total amount of receipts from Nov. 1st, 1849, to Oct. 31, 1850, inclusive,.....	<u>1,432,442 78</u>
Total receipts,.....	\$1,861,383 97
Amount of Warrants drawn upon the Treasury for same period,.....	<u>1,513,534 04</u>
Balance in Treasury, Oct. 31st, 1850,.....	<u>\$347,849 93</u>

This, however, is but an apparent balance, there being really a small deficiency at the end of the financial year.

The receipts and expenditures of the Wabash and Erie Canal Trustees, under the act for the adjustment of the State debt, are semi-annually reported to this office, and the receipts credited, and expenditures charged, in the general financial account, as if actually paid into the Treasury. The account is rendered to the 1st October, 1850, at which time there was an excess of receipts to the credit of the trustees, amounting to \$194,910 09, and which is to be deducted from the balance stated above. The amount of Treasury notes, and of Wabash and Erie Canal Scrip in the Treasury for cancellation, and the indebtedness of the State to the State Bank to meet the July interest, and the expenses of the Constitutional Convention, are also to be charged against the Treasury.

The true condition of the Treasury at the period named will be found not to vary materially from the following statement:

Balance in Treasury to credit of W. & E. Canal Trustees,	\$194,910 09
Treasury notes on hand for cancellation,.....	192,460 00
W. & E. Canal Scrip for cancellation,.....	<u>39,100 91</u>

Total charges on the Treasury,.....	\$426,471 00
Deduct balance above stated,.....	<u>347,849 93</u>

Leaving a deficiency in the Treasury at the close of the fiscal year of about,.....	<u>\$78,621 07</u>
---	--------------------

The ordinary expenditures for the support of the State Government during the year has been as follows:

ORDINARY EXPENSES.

On account of Probate Judges,.....	4,795 00
On account of Supreme and Circuit Judges,.....	14,910 81
On account of State House,.....	588 71
On account of Specific Appropriations,.....	3,114 29
On account of Public Printing, Paper and Binding,..	11,522 49
On account of Legislative Expenses,.....	31,010 64
On account of State Library,.....	964 81
On account of the Militia,	539 17
On account of Stationery and Fuel,	2,453 13
On account of Executive Department,	5,877 93
On account of Contingent Fund, to-wit:	
To Jas. Hughes, Att'y in the McGinley case, \$400 00	
To Walpole & Quarles, Attorneys in the	
McGinley case,.....	400 00
To Saml. H. Buskirk, arbitrator,.....	105 75
Transcript of McGinley case,.....	95 50
Postage account,.....	272 38
Sundry allowances by Gov. Wright,	491 67
	<hr/>
	1,765 30
On account of Governor's Circle,	525 34
On account of Governor's House,	1,309 56
On account of Transpt. of Public Arms,	79 75
On account of State's Prison,	3,606 63
On account of Distributing Laws and Journals,.....	551 54
	<hr/>
Total,.....	<u>\$83,615 10</u>

This amount is swollen over former expenditures by an unusual charge upon the contingent Fund, by repairs for the Governor's House commenced in 1849, and by the expense of Printing Paper for the Convention, which under the law was chargeable to the General Fund. Deducting these extraordinary items, the expenses of the State Government will be found to have been about \$80,000, which, for a population of a million of inhabitants, will compare favorably with any State in the union, the expense *per capita* being but eight cents for each individual.

The ordinary expenditures for the current year may be estimated as follows:

On account of the Legislature,.....	\$31,000 00
On account of the Judiciary,.....	17,000 00
On account of Executive Officers,.....	6,500 00
On account of Public Printing and Binding,.....	7,000 00

On account of Probate Judges,.....	5,000 00
On account of Specific Appropriations,.....	3,000 00
On account of Stationery and Fuel,.....	3,000 00
On account of State's Prison,.....	3,500 00
On account of Distribution of Laws,.....	700 00
On account of Militia,.....	300 00
On account of State Library,.....	800 00
On account of State House,.....	500 00
On account of Governor's House,.....	300 00
On account of Governor's Circle,.....	100 00
On account of Public Arms,.....	100 00
On account of Contingent Fund,.....	1,200 00
	<hr/>
	\$80,000 00

On reference to the synopsis of the appropriations for 1850, it will be seen that in several items the appropriations have been overdrawn, and it is recommended that the appropriation bill for 1851 should include amounts sufficient to cover these overpayments.

The annual appropriation of five hundred dollars for the Contingent Fund is entirely insufficient to meet the expenditures necessarily chargeable upon it, and should be increased to at least the sum of \$1,200.

Congress, at its late session, donated to Indiana the unsold wet lands within the limits of the State, and steps were immediately taken, with the utmost promptitude by the Governor, to secure their selection in the several counties, by the county surveyors or other competent persons. The procuring of Maps, examination of titles, and selection of these lands, will involve a considerable expense, which must necessarily be defrayed by the State, and I therefore recommend an appropriation for this purpose, to be expended under the direction of the Governor or other proper authority, of such sum as the Legislature may determine to be necessary.

An additional appropriation of \$40,000 will be necessary to meet the expenses of the Constitutional Convention, and a further sum of from \$3,000 to \$5,000 for the payment of the printing and binding of the Convention. The undersigned has not considered himself authorized by any existing law to audit claims for such printing or binding under the contract of the Convention, and therefore recommends to the Legislature an appropriation for that purpose.

The Revenue for the year 1849, including the amount collected for the Delinquency of 1848 and previous years, has been generally accounted for by the several county Treasurers, and with few exceptions paid over with much promptness. The details of the settlements with these officers will be found in statement No. 4 in the appendix. In the case of Sullivan county, owing to the loss by fire

of all the records, near the close of the collecting season, it was impossible to make an accurate settlement. Relying however upon the integrity of the accounting officers of the county, and comparing the statements with those of former dates, a conditional settlement was made by the Auditor, which was concurred in by this office, and a confirmation of it by the Legislature is respectfully suggested. The amount of State Revenue found due on this settlement is less than for the previous year, but it is accounted for from the fact that the purchasers at the Tax sale, after the fire, refused to pay for their purchases. A re-assessment also of all the real estate of the county will have to be provided for by the Legislature.

The net amount of Revenue, collected on the duplicate for the year 1850, including the Revenue from the State Bank, is as follows:

Revenue for 1849,.....	\$415,114 59
Delinquent Revenue of 1848,.....	35,367 17
Total,.....	\$450,481 76
Net amount collected for Fiscal year 1849,.....	432,283 78
Showing an increase of.....	\$18,197 98

The following statement exhibits the rate of Taxation for four years past, the net amount of State Revenue collected, and the increase:

Year.	Rates per \$100. cts. mills.	Poll Tax.	Net Revenue Collected.	Increase.
1846, - - - - -	26 7	75	356,515 61	- - - - -
1847, - - - - -	28 5	75	406,721 89	50,206 25
1848, - - - - -	30	75	432,283 78	26,561 89
1849, - - - - -	30	75	450,481 76	18,197 98

The increase of Taxables for the same period has been as follows:

Years.	Value of all Taxables.	Increase.	Taxable Polls.	Increase.
1846, - - - - -	122,649,554		127,095	- - - - -
1847, - - - - -	124,610,441	960,887	130,071	2,976
1848, - - - - -	128,960,986	4,350,545	136,265	6,194
1849, - - - - -	133,419,056	4,458,070	143,720	7,455

The average increase in Taxables since 1847 is not far from three and a half per cent. annually, and of polls over five per cent., a fact

which must be gratifying alike to the citizens and creditors of the State; and for years to come this rate of increase may be safely relied upon in all our estimates, even if no improvement be made in the mode of assessment of real and personal estate.

The rate of taxation for the year 1850 for State purposes is 33½ cents per hundred dollars valuation, and seventy-five cents poll tax, and the net Revenue to be realized therefrom may be estimated at \$510,000 00

Upon this sum will be chargeable the following items, viz:

Indebtedness to the State Bank,.....	\$127,500 00
Expenses of State Government, estimated,.....	80,000 00
Expenses of Convention, estimated,.....	80,000 00
Redemption of State Scrip, estimated,.....	40,000 00
Benevolent Institutions, estimated,.....	65,000 00
Interest on State Debt January, 1851, including exchange and expenses,.....	100,000 00
Same for July, 1851,.....	100,000 00
Total charges,.....	\$592,500 00
Estimated deficit at the close of the financial year 1851,.....	\$82,500 00

According to this estimate the revenue collected on the Duplicates of 1850 will wipe out the present indebtedness of the Bank, defray the expenses of the State Government and Constitutional Convention, and of the Benevolent Institutions, redeem two-fifths of the outstanding Domestic Debt of the State, and pay the interest on the State Debt for January, 1851, making it necessary to anticipate the revenues of 1851, by loan, only in an amount sufficient to meet the July interest, 1851.

If a return is made to the former rate of taxation, to wit: 30 cents per hundred dollars valuation, the net revenue collected on the duplicates of 1851 for the fiscal year 1852 will be about \$475,000 00.

Upon which the following items will be chargeable, to-wit:

Deficit of year 1851,.....	\$82,500 00
Expenses of State Government,.....	80,000 00
Redemption of State Scrip,.....	40,000 00
Benevolent Institutions,.....	65,000 00
January Interest 1852 and expenses,.....	100,000 00
July Interest 1852 and expenses,.....	100,000 00
Total charge,.....	\$467,500 00
Leaving a surplus Oct. 31, 1852, of.....	7,500 00

If this estimate be correct, and it cannot vary far from it, we shall commence the financial year 1853 with an inconsiderable surplus in the Treasury, with all our Domestic Debt liquidated except a small balance of Treasury notes, and having suffered no delinquency in the payment of Interest on the Public Debt.

Should all the outstanding Bonds be surrendered, the Public Debt of the State, on the 1st of January, 1853, will be as follows:

5 per cent. Stocks,.....	\$5,524,000
2½ per cent. Stocks, say.....	2,000,000
Total,.....	\$7,524,000

On this sum the annual interest will be \$326,200, and without going into the details of further estimates, the ability of the State will readily be seen, not only to meet accruing interest with promptness, but to appropriate an annual surplus to the liquidation of the principal itself.

The ability of the State for the future may very appropriately be argued from the history of the past. Commencing with the suspension of the public works in 1839-40, during a period of ten years of more or less financial embarrassment, the State has paid upon her liabilities as follows:

Upon Domestic Debt,.....	\$2,529,156
Interest on Foreign Debt,.....	639,269

Making a total of..... \$3,168,425

Or an average of \$316,842 per annum, besides defraying the expenses of the State Government. This statement furnishes an ample guaranty to our creditors, that the tax payers of Indiana not only have the will, but the ability, to discharge all their just obligations, and that every burden will be cheerfully borne to restore and sustain the impaired credit of the State.

It is a matter of deep interest to all who have the credit and welfare of the State at heart, to inquire what prospect there may be for the gradual and ultimate liquidation of the principal of the Public Debt. It is hardly probable that before the 1st January, 1854, any considerable sum can be applied to this purpose. The following table is prepared on the supposition that on that day the sum of \$100,000 may be appropriated to the payment of Principal, that this amount may be annually increased in the sum of \$10,000, and that to it may be added the sum saved from the interest account. The table is for twenty years, and supposes for its basis the debt to be \$7,524,000 and the annual Interest \$326,200. The results shown by the table are highly satisfactory, and the ability of the State to realize this estimate is by no means overrated.

TABULAR ESTIMATE.

Years.	Net Revenue.	Interest saved to apply on Principal.	Total payments on Principal.	Amount of annual Interest.	Amount of Principal.
1854.	\$100,000		100,000 00	321,200 00	7,424,000 00
1855.	110,000	5,000 00	115,000 00	315,450 00	7,309,000 00
1856.	120,000	5,750 00	125,750 00	309,162 50	7,183,250 00
1857.	130,000	6,287 50	136,287 50	302,348 12	7,046,962 50
1858.	140,000	6,814 37	146,814 37	295,007 40	6,900,148 13
1859.	150,000	7,340 71	157,340 71	287,140 37	6,742,807 42
1860.	160,000	7,867 03	167,867 03	278,747 01	6,574,940 30
1861.	170,000	8,393 35	178,393 35	269,827 35	6,396,547 04
1862.	180,000	8,919 66	188,919 66	260,381 36	6,207,627 38
1863.	190,000	9,445 98	199,445 98	250,409 07	6,008,181 40
1864.	200,000	9,972 29	209,972 29	239,910 45	5,798,209 11
1865.	210,000	10,498 61	220,498 61	228,885 52	5,577,710 50
1866.	220,000	11,024 93	231,024 93	217,334 27	5,346,685 57
1867.	230,000	11,551 24	241,551 24	205,256 71	5,105,134 33
1868.	240,000	12,077 56	252,077 56	192,632 83	4,853,056 77
1869.	250,000	12,603 87	262,603 87	179,522 64	4,590,452 90
1870.	260,000	13,130 19	273,130 19	165,866 13	4,317,322 71
1871.	270,000	13,656 50	283,656 50	151,683 31	4,033,666 21
1872.	280,000	14,182 82	294,182 82	136,974 16	3,739,483 39
1873.	290,000	14,709 14	304,709 14	121,738 71	3,434,774 25
1874.	300,000	15,235 45	315,235 45	105,976 44	3,119,538 80

Thus in 1874, the Public Debt, by this gradual process of reduction, will be diminished to the sum of \$3,119,538 80, and of this sum two millions are estimated as 2½ per cent. stocks.

The Revenue Laws of the State require some important modifications, and the first is the adoption of some system to equalize the assessment of property. The merit of any system of taxation is its equality. It should bear upon all alike. The poor man has no concealments in his cabin, or upon his farm. His all is exposed to the examination of the assessor, who is able to estimate to the fraction of a dollar, the value of this particular class of property, while his neighbor has well filled coffers, lined with evidences of wealth, which escape the knowledge of the officer. The true system is to value all real and personal estate, rights, credits, moneys, and effects, at their actual cash value.

This system was brought into practical operation in the State of Ohio in the year 1847, and the following table will show its results:

TABLE.

Years.	Real Property.	Personal Property.	Total value of Property.
1844.	\$107,142,152	\$29,000,514	\$136,142,666
1845.	108,185,744	35,974,725	144,160,469
1846.	109,940,636	40,960,695	150,901,331
1847.	326,798,730	83,964,430	410,763,160
1848.	330,995,273	90,072,718	421,067,991
1849.	335,839,311	95,000,074	430,839,385

The system met with great opposition in Ohio, in its inception, but all are now convinced of its wisdom and justice. Besides equalizing the value of property, it added to the list of taxables more than two hundred per cent. Its effects here would be less striking, but it would increase the amount of taxables on the duplicate at least fifty millions of dollars. As no general appraisement has been made since 1846, it is believed that no more favorable time could be found for its commencement, if deemed advisable by the Legislature.

Even under the present law, there is either great difficulty in reaching certain descriptions of property, or remissness on the part of the listing officers. For the year 1850, the whole amount of corporation stock assessed is only \$286,516, and in but thirteen counties is there any returned. The inequality of this assessment is seen in the example of the counties of Marion and Marshall. Marion county is assessed with \$11,349 corporation stock, and Marshall with \$11,885, while Marion has 3,454 taxable polls and Marshall but 785. There should certainly be some provision for taxing this description of property, that would obviate this inequality. The value of property is constantly changing, and there should be at least a biennial appraisement of the entire property, real and personal, in the State.

A large amount of State Revenue returned delinquent for non-payment, is annually lost, and the law furnishes no means of ascertaining whether the fault be in the negligence of the collectors, or the inability of the tax-payers. Statement No. III, in the appendix is subjoined for the purpose of showing this delinquency for a single year, 1848. The table shows as follows:

Total delinquency for 1848,	\$75,487 23
Total collections,	46,885 64
Balance uncollected,	<u>\$28,601 59</u>

The extent of this loss may be seen by a comparison with our sister State, Ohio.

Statement of Taxes in Ohio.

Years.	State tax levied.	State tax collected.	Delinquency not Collected.
1844,	\$948,996 63	\$939,252 79	\$9,743 84
1845,	1,006,001 25	973,507 47	32,493 78
1846,	1,206,462 22	1,161,922 46	44,539 76
1847,	1,131,398 14	1,114,287 61	17,110 53
1848,	1,265,769 26	1,223,001 54	42,767 72
	<u>\$5,560,627 50</u>	<u>\$5,401,971 87</u>	<u>\$158,655 63</u>

This sum of \$158,655 63 includes the delinquency, treasurers' fees, erroneous assessments, &c., amounting to at least \$100,000, making the entire delinquency uncollected about one per cent.

Statement of Taxes in Indiana.

Years.	State tax levied.	Sundry deductions.	Net amount collected.	Delinquency uncollected.
1844,	\$306,536 11	\$15,230 31	\$267,325 70	\$23,980 10
1845,	323,054 82	15,702 65	290,100 05	17,252 12
1846,	425,280 94	20,809 04	356,515 61	47,956 29
1847,	461,994 44	22,754 67	466,791 89	32,517 86
1848,	493,518 34	27,800 46	433,283 78	33,434 10
	<u>\$2,010,384 65</u>	<u>\$102,297 13</u>	<u>\$1,752,946 98</u>	<u>\$155,140 49</u>

This shows a total of delinquencies uncollected of \$155,140 49, or an average of 31,028 11 per annum. It is believed that under proper enactments one-half of this sum may be annually saved to the State.

The practice varies in different counties in regard to the Treasurer's per centage for the collection of Road Tax. The Revenue officers are at best inadequately remunerated for their labors and responsibilities, and I can see no good reason for compelling them to perform this service gratuitously. The law at least should be intelligible.

The mileage to be allowed County Treasurers in making their annual settlements, and to Sheriffs for conveying convicts to the State's Prison, if fixed by law, would relieve the accounting officers from much responsibility and produce uniformity in the charges for such services.

The reports required in Sections, 100 to 103, and Sec. 115, Chap. 13, Revised Statutes, have been received from the following counties *only*, within the last fiscal year, to-wit: Bartholomew, Brown, Carroll, Crawford, Delaware, Daviess, Gibson, Greene, Grant, Hendricks, Henry, Harrison, Jay, Jennings, Johnson, Lake, Laporte, Marion, Orange, Perry, Parke, Ripley, Steuben, Vanderburgh, Warren, Warrick, Washington, Wayne, Whitley.

Sec. 103, Chap. 13, imposes a heavy penalty for neglecting to make these reports, but it appears to have been wholly disregarded in two-thirds of the counties in the State. The reports should be made punctually from all the counties or they are of no value to this office.

TABULAR STATEMENTS.

The Tabular Statements in the Appendix are as follows:

No. I. Showing the assessment of Taxes for 1849, for State, County, Road, School, Township and other purposes.

No. II. Showing the amount of Taxes returned Delinquent for the year 1849.

No. III. Showing the amount of State Revenue returned delinquent for 1848, and the amount thereof collected in 1849.

No. IV. Showing the settlement with County Treasurers, in detail, for collections of State Revenue for 1849.

The footings of this statement are as follows:

Amount of Tax assessed for 1849,.....	\$509,331 30
Amount assessed by Treasurers,	3,315 73
Amount of Delinquency collected,.....	46,074 31
Over charges,.....	4 00
Total charges,.....	<u>\$558,725 34</u>

CREDITS.

Amount returned Delinquent,.....	\$88,195 32
Erroneous assessments,.....	3,390 29
Treasurer's Fees,	18,938 29
Taxes Refunded,.....	1,114 74
Taxes paid at the State Treasury,	122 86
Printing,	654 95
Mileage,.....	1,416 89
Net balance due Treasury,	444,892 00
	<u>\$558,725 34</u>

The amount of Revenue actually paid in is as follows:

By the Branches of the State Bank, to-wit:

Evansville Branch,	\$434 97
Lawrenceburgh Branch,	529 46
Vincennes Branch,	301 78
Lafayette Branch,	594 22
Indianapolis Branch,	477 71
New Albany Branch,	479 05
Fort Wayne Branch,.....	172 39
Richmond Branch,.....	444 69
Terre Haute Branch,.....	361 60
Bedford Branch,.....	173 32
Madison Branch,	656 74
Michigan City Branch,	472 50
South Bend Branch,.....	117 90
	<u>\$5,216 33</u>
Paid by County Treasurers,.....	445,265 43
	<u>\$450,481 76</u>

Overpayments by County Treasurers.

Blackford county, refunded,	\$65 14
Parke county, refunded,.....	1,000 00
Pike county,.....	179 50
Total,.....	<u>\$1,244 64</u>

The following balances were due from Treasurers Oct. 31, 1850:

Delaware county,.....	\$2 53
Martin county,	50 00
Shelby county,	803 38
St. Joseph county,.....	13 25
Washington county,.....	2 00
Total,	<u>\$871 16</u>

Statement No. V. exhibits the number of acres of Land, and Polls assessed for 1850, with the value of Lands, Improvements, Town Lots and buildings, Corporation stock, and personal property, for said year, in all the counties in the State, with the exception of Elkhart county, from which no returns have been received. The returns from Elkhart county for 1849 are included in the footings of the Table, which are as follows:

Number of Acres of Land assessed for 1850,..... 17,025,109

Valuation.

Value of Lands without improvements,.....	\$59,314,861
Value of Improvements,.....	25,414,851
Value of Town Lots and Buildings,.....	16,140,540
Value of Corporation Stock,.....	286,516
Value of Personal Property,.....	36,276,797

Total Valuation,..... \$137,443,565

Number of Polls assessed for 1850,..... 149,986

The increase over the assessment of 1849 is as follows:

Acres of Land assessed,..... 141,539

Increased Valuation.

Value of Lands,.....	\$565,208
Value of Improvements,.....	815,551
Value of Town Lots and Buildings,.....	897,812
Value of Corporation Stock,.....	164,152
Value of Personal Property,.....	1,571,781

Total Increase,..... \$4,014,504

Increase in Polls,..... 6,266

Statement No. VI. exhibits the amount of Taxes assessed for 1850, the footings of which are as follows:

Amount of State tax for 1850,.....	\$571,512 74
Amount of County tax for 1850,.....	453,809 24
Amount of Road tax for 1850,.....	147,500 02
Amount school tax,.....	127,641 33
Township and other taxes,.....	32,239 24
Delinquent taxes,.....	186,540 99

Total taxes,..... \$1,519,243 56

Increased Assessment of State tax over 1849,..... \$61,882 28

Statement No. VII. exhibits the names of the Borrowers of the several Trust Funds, with the date of mortgages, and amount loaned. All of which is respectfully submitted.

E. W. H. ELLIS,
Auditor of State.

Statement No. VI exhibits the amount of Taxes assessed for 1880:
the footings of which are as follows:

Amount of State tax for 1880.....	\$27,512 74
Amount of County tax for 1880.....	122,809 24
Amount of Road tax for 1880.....	147,500 00
Amount school tax.....	127,641 23
Township and other taxes.....	32,238 24
Delinquent taxes.....	188,240 22
Total taxes.....	\$515,942 66

Increased Assessment of State tax over 1849..... \$51,982 28

Statement No. VII exhibits the names of the Borrowers of the
several Trust Funds with the date of mortgages, and amount loaned.
All of which is respectfully submitted.

E. W. H. MILLER

Auditor of State

INDEX.

AD QUOD DAMNUM, WRIT OF:	3
May be issued by circuit court to establish the height of mill dams, in certain cases,...	3
AGENT OF STATE:	
Allowance to, for safe and office rent.....	5
AGRICULTURE:	
Act for the encouragement of.....	6
State Board shall certify expenses to auditor.....	8
APPORTIONMENT:	
Of Senators and Representatives.....	9
APPRAISEMENT of real estate.....	11
APPROPRIATIONS:	
General.....	19
Specific.....	21
For the assignees of J. and E. L. Beard.....	26
To meet certain expenditures in relation to swamp lands.....	112
For Convention and Legislature.....	123
ARREST:	
Pursuit and arrest of fugitives from justice.....	52
ARSON:	
What shall be deemed arson—how punished.....	57
ASSESSMENT of personal property.....	27

ASSESSORS:

Act giving further time to assessors repealed.....	39
See assessment and valuation of property.....	27
Concerning election of township assessors in Jennings county.....	89

ATTORNEYS:

Shall not do the duties of sheriff in the county of Tippecanoe.....	39
Relative to election of prosecuting attorneys.....	141

AUDITOR OF STATE:

Shall audit certain account of Agent of State.....	5
Shall pay over certain funds to the treasurers of Ripley and Greene counties.....	46
Shall audit accounts made by Constitutional Convention.....	139
Time of settlement with county treasurers extended.....	191
Authorized to re-settle with George H. Dunn.....	192
Shall prepare and transmit to county auditors certain forms and instructions.....	18
Shall prepare certain forms, &c.....	37
Authorized to sell lands forfeited to State by borrowers of certain funds.....	115
See act concerning selection of swamp lands.....	110
With governor and treasurer, may allow compensation to counsel, in certain cases.....	56
Shall audit expenses of State Board of Agriculture.....	8

AUDITORS, COUNTY:

May appoint deputies.....	42
Seals used by county auditors, in certain cases, legalized.....	42
May administer oaths in certain cases.....	45
Shall certify vote on school law to secretary of State.....	170
See act for assessment and valuation of property.....	27
See act for appraisement of real estate.....	11
Not required to keep separate accounts in certain cases.....	149

In Harrison county—

Authorized to make a deed to James Flanagan.....	40
--	----

In Brown county—

Shall perform duties of county agent, &c.....	60
---	----

In Ripley county—

May release borrowers of certain funds, on payment.....	46
---	----

In Owen county—

Relating to salary of auditor.....	95
------------------------------------	----

In Johnson county—

Office of county auditor re-established.....	41
--	----

In Bartholomew county—

Auditor and treasurer authorized to sell school section.....	171
Shall loan certain moneys.....	116

In Scott county—

Shall perform duties of agent of surplus revenue fund.....	149
--	-----

In Greene county—

May release borrowers of certain funds, on payment.....	46
Shall be allowed extra pay.....	94

In Tippecanoe county—

May grant permit to retail liquors.....	122
---	-----

In De Kalb county—

Defining duties of county auditor.....	43
--	----

In Boone county—

May be required to sell certain lands.....	159
--	-----

In Vigo county—

Auditor shall enter a <i>quietus</i> on duplicate, in certain cases.....	163
--	-----

In Noble county—

Defining duties of county auditor.....	43
--	----

In Putnam county—

Act regulating salary of auditor, repealed.....	96
---	----

In Morgan county—

Auditor may be allowed extra compensation.....	51
Auditor and treasurer shall perform duties of school commissioner.....	165

B

BANK STOCK:

County board of Wabash county authorized to sell surplus revenue bank stock.....	48
--	----

BASTARDY:

How persons may be pursued and arrested, in cases of bastardy.....	53
--	----

BEARD, J. & E. L.:

Appropriation for.....	26
------------------------	----

BILLS OF EXCEPTIONS:

An act in relation to bills of exceptions.....	47
--	----

BLIND, INSTITUTE OF THE:

Annual reports to be printed.....	140
Appropriation for.....	20

BOUNDARIES OF COUNTIES:

Boundaries of Laporte, Porter, and Lake, defined.....	56
Between Jefferson and Scott, changed.....	58

C

CANAL:

Concerning sale of northern division of central canal.....	200
In relation to damages occasioned by construction of Wabash and Erie canal.....	83
Papers and records appertaining to Wabash and Erie canal.....	204

CLERKS OF COURTS:

Clerks of circuit and probate courts shall not purchase judgments rendered in their courts.....	104
In Greene county, allowed extra pay.....	94
Duty of clerk of circuit court of Posey county.....	107

CLOCKS:

Licensed merchants may vend clocks.....	47
---	----

COMMISSIONERS, COUNTY: [See County Boards.]

Shall not become interested as principals, or securities, in any contract made in their corporate capacity.....	61
In certain counties, may make extra allowance to probate judges.....	93
Duty of county boards in relation to the selection of swamp lands.....	110

CONSTABLES:

May pursue fugitives from justice to any county in this State.....	52
--	----

CONSTITUTION:

When new constitution may take effect, &c.....	54
--	----

CONVENTION:

Act for the call of a convention, amended.....	53
Governor, auditor and treasurer, authorized to borrow money to pay expenses of.....	132
In relation to pay of printer to convention.....	139
Authorizing distribution of debates of convention.....	203

COUNTY BOARDS:

Members of, shall not become interested as principals or securities in certain contracts.....	61
In Wabash county, may sell surplus revenue bank stock.....	48

In Clark county—

Shall establish additional place of holding elections.....	85
--	----

In Tippecanoe county—

Shall fix tax on retailers of liquors.....	121
--	-----

In Steuben county, may assess and collect a certain amount of tax..... 49

In Sullivan county—

Duty of board in relation to records destroyed by fire.....	142
---	-----

In Pike county, may make an appropriation for the improvement of Patoka river..... 49

May employ physicians to attend on poor.....	50
--	----

In Greene county—

Shall allow additional compensation to clerk, auditor, and sheriff.....	94
---	----

In Delaware county, may levy an additional road tax..... 50

In Brown county—offices of school commissioner and county agent abolished; duties transferred to treasurer and auditor..... 60

In Gibson county, may employ physician to attend on poor..... 50

In Wayne county—board, at regular sessions, may sit ten days..... 61

Shall establish additional place of holding elections.....	90
--	----

In Warren county, may sit six days at each term..... 51

In Marion county—

Shall establish additional place of holding elections.....	90
--	----

In Vigo county—

Shall establish additional place of holding elections.....	90
--	----

In Morgan county, may make extra allowance to auditor..... 51

In Switzerland county—

Shall establish additional place of holding elections.....	90
--	----

In Crawford county—commissioners, how elected, in certain cases..... 59

In Dubois county—commissioners, how elected..... 59

In Perry county—commissioners, how elected..... 59

CORONERS:

In certain cases shall pay expenses of inquest and burial, 55

COSTS:

Fees paid for certified transcripts, how taxed, 55
Judgment for costs shall be rendered against plaintiff, in certain cases,..... 119

COUNSEL:

Engaged on the part of the State in certain cases, how paid..... 56

COUNTY BUSINESS:

[See county boards.]

CRIME AND PUNISHMENT:

What shall be deemed arson, how punished 57

COURTS, CIRCUIT,

Times of holding changed in thirteenth circuit 63
Time of holding changed in twelfth circuit..... 65
Time of holding changed in certain counties in third circuit..... 66
Time of holding changed in eighth judicial circuit 70
Time of holding extended in the eleventh circuit..... 71
Act relative to the practice of law..... 119

In Marion county—

Relative to the practice of law in Marion county 117
Regulating executions and fee bills..... 91

In Hancock county—

Times of meeting and length of terms..... 62

In Putnam county—

President judge shall hold two terms a year, to hear and determine business transferred from probate court 64

In Marshall county—

Court may in certain cases render judgment against prosecuting witness for costs.... 98

In Allen county—

July term of circuit court in Allen county, abolished, &c..... 72

In Randolph county—

Time of holding courts extended 73

In Shelby county—

Court may in certain cases render judgment against prosecuting witness for costs..... 101

In Lake county—

Court may render judgment against prosecuting witness for costs 100

In Porter county—

Court may render judgment against prosecuting witness for costs 100

In Lagrange county—

Concerning the practice of law in Lagrange circuit court 120

COURTS, COMMON PLEAS:

To organize a court of common pleas in Jefferson county 67
To amend act creating Marion court of common pleas..... 73

COURTS, PROBATE:

Relating to deeds executed by order of probate courts in certain cases..... 81
Judges of probate courts may be allowed additional compensation in certain counties.. 93

In Monroe county—

Length of terms of probate court established..... 74

In Crawford county—

Time of holding February term of probate court, changed 75

In Laporte county—

February and May terms of probate court extended..... 76

In Carroll county—

Terms of probate court extended..... 77

In Martin county—

Relative to January term, 1851, of probate court 77

In Vermillion county—

Time of holding probate court changed 78

In Dearborn county—

Relative to time of holding probate courts..... 79

In Jasper county—

Time of holding probate courts changed..... 86

In Elkhart county—

Time of holding February term of probate court changed..... 80

In Marion county—

February and October terms of probate court changed..... 80

In Hamilton county—

February term, 1851, of probate court changed..... 81

In Grant county—

Time of holding probate court changed..... 82

In Sullivan county—

Probate court may sit two weeks at each term..... 93

CULVERTS:

Authorizing the construction of culverts under highways..... 106

D**DAMAGES:**

Relative to damages occasioned by the construction of Wabash and Erie canal..... 83

DEAF AND DUMB:Annual report shall be printed..... 140
Appropriation for..... 20**DEEDS:**How executed by order of probate court in certain cases..... 81
Relative to recording deeds in Laporte county..... 85
Auditor of Harrison county authorized to make a deed to James Flanagan..... 40
County surveyor of Putnam county may take acknowledgments of deeds..... 180**DEPUTY CLERKS:**

Act concerning deputy clerks repealed, so far as the county of Clark is concerned..... 85

DUNN, GEORGE H.—

Treasurer and auditor of State authorized to re-settle with George H. Dunn..... 192

E**ELECTIONS—**Additional place of holding election established in Clark county..... 85
Relative to township elections in the counties of Daviess and Martin..... 86
At general elections, voters of Jackson township, in Blackford county, may vote at Hartford..... 87
Concerning election of township assessors in Greene county..... 88
Relating to election of supervisors in Ripley county..... 88
Concerning places of holding elections in Greene county..... 89
Act to provide for election of township assessors and collectors in Jennings county repealed..... 89
To establish additional places of holding elections in the counties of Marion, Switzerland, Vigo and Wayne..... 90
Relating to election of overseers of the poor in Clay county..... 134
Election of county surveyor in Greene county..... 181
Election of county commissioners in the counties of Crawford, Dubois and Perry..... 59**EXECUTIONS—**

Act to regulate the issuing of executions and fee bills in certain cases in the counties of Marion, Daviess, Dearborn, Lawrence, Union, Fayette, Martin and Blackford..... 91

F**FEE BILLS:**Act to regulate the issuing of executions and fee bills in certain counties..... 91
Recorder's fees for issuing certain fee bills..... 148**FEES AND SALARIES:**To increase the pay of probate judges in the counties of Union, Fayette, Rush, Hendricks, Sullivan, Marion, and Gibson..... 93
To increase per diem allowance of probate judges of Montgomery and Madison counties..... 93
Commissioners of Greene county may allow additional pay to clerk, auditor, and sheriff..... 94
Act to reduce fees of recorder of Brown county..... 95
Concerning the salary of auditor of Owen county..... 95
Act regulating salary of auditor of Putnam county repealed..... 96
Fixing compensation of clerks of circuit courts, in cases of naturalization..... 120
Pay of members of General Assembly..... 130
Reducing fees for taking acknowledgments of mortgages to trust funds..... 194
Fees allowed to treasurer and auditor of Brown county in certain cases..... 60
Fees of auditor of Johnson county..... 41
Concerning fees of auditors and treasurers of DeKalb and Noble counties..... 43
Fees paid for certified transcripts, in certain cases, taxed as costs in favor of the successful party..... 55**FUGITIVES FROM JUSTICE:**

Concerning pursuit and arrest of fugitives from justice..... 52

FUNDED DEBT:

Loan authorized, to pay July installment of Interest..... 132

G

GOVERNOR:

With auditor and treasurer, authorized to borrow money for certain purposes.....	132
Concerning purchase of books made by governor, for use of convicts in State prison....	178
Required to hand over to Martin R. Green title papers of Georgia Lands.....	116
With treasurer and auditor, may allow compensation to counsel, in certain cases.....	56
Shall issue proclamation, and cause amended Constitution to be published.....	53

GRAND JURIES:

Concerning Grand Juries in Franklin county.....	97
Relative to sessions of grand juries in the county of Marshall.....	98
Sessions of grand juries in the counties of Porter and Lake.....	99
Act concerning grand juries in Porter and Lake counties amended.....	100
Relating to grand juries in the counties of Shelby and Knox.....	101

GUARDIANS:

Guardians exempt from payment of clerk's fees, in certain cases.....	102
--	-----

H

HARBOR:

Relative to Michigan City harbor.....	199
---------------------------------------	-----

I

INSANE HOSPITAL:

Act for the benefit of the Hospital for the Insane.....	103
Appropriation for.....	20
Annual reports shall be printed.....	140

INDICTMENTS:

Indictments for sale of ardent spirits in Dearborn county shall not be consolidated.....	103
--	-----

INTEREST ON FUNDED DEBT:

Governor, auditor, and treasurer, authorized to borrow money to pay interest on funded debt.....	132
--	-----

INQUEST AND BURIAL:

How coroners shall pay expenses of.....	56
---	----

J

JOINT RESOLUTIONS:

Authorizing the United States to purchase a site, and erect a Marine Hospital, at Evansville.....	197
Relative to the claim of Col Francis Vigo.....	198
On the subject of Michigan City harbor.....	199
In relation to the bounty land law of Congress.....	199
On the subject of lands for school purposes.....	200
Concerning sale of the northern division of the Central Canal.....	200
On the subject of appropriating money for the erection of a public building.....	201
In relation to the World's Fair.....	201
Suspending the operation of an act for the relief of Amaziah Hazen.....	202
In relation to the slave trade.....	202
Authorizing distribution of Debates of the Constitutional Convention.....	203
In relation to papers and records appertaining to Wabash and Erie Canal.....	204
For the relief of Capt. William Waldo.....	204
Granting freedom of State Library to Capt. Michael Fitzgibbon and John B. Dillon.....	205

JUDGMENTS:

Rendered in circuit or probate courts shall not be purchased by clerks or sheriffs of such courts.....	104
Concerning judgments rendered in certain cases in the counties of Porter and Lake.....	100

JURIES, PETTY:

Act concerning petit juries in the counties of Scott and Greene.....	105
--	-----

JUSTICES OF THE PEACE:

Jurisdiction extended in Lawrence county.....	105
Jurisdiction extended, in civil cases, in Dearborn county.....	106
Justice of the peace shall be elected for the town of West Franklin, in Posey county.....	106
Relative to jurisdiction of justices of the peace in Carroll county.....	107
Providing for an additional justice of the peace in Orange township, Fayette county.....	108
Defining powers of justices of the peace in Marion county.....	108
Jurisdiction of justices of the peace in Tippecanoe county.....	109
Concerning jurisdiction of justices of the peace in Anderson township, Madison county.....	128
In Porter and Lake counties, justice of the peace may render judgment for costs against prosecuting witness, in certain cases.....	100

L

LANDS:

Joint resolution on the subject of lands for school purposes.....	200
Joint resolution in relation to the bounty land law of Congress.....	199

LANDS, SWAMP:

Mode of defraying expense of selecting swamp lands, &c.....	110
Supplemental act relating to the expense of selecting swamp lands.....	114
Regulating price of swamp lands in Miami Reserve.....	114
Grant of right of way over swamp lands to railroad companies.....	151

LANDS, FORFEITED:

In relation to lands forfeited to the State by borrowers of certain funds.....	115
Concerning certain lands in Bartholomew county.....	116

LANDS, GEORGIA:

Confirming title of Georgia Lands to Martin R. Green.....	116
---	-----

LAW, PRACTICE OF:

Relative to practice of law in Marion county.....	117
Concerning judgment for costs in certain cases.....	119
Practice of law in Lagrange circuit court.....	120

LEGALIZED:

Appointments of township clerks legalized in certain cases.....	163
---	-----

LEGISLATURE:

Pay of members of the Legislature.....	120
--	-----

LIEN:

Lien of sub-contractors building or working on steamboats.....	141
--	-----

LIQUORS, SPIRITUOUS:

In Tippecanoe county—

Act regulating sale of.....	121
-----------------------------	-----

In Hancock county—

Concerning sale of spirituous liquors in Green township.....	124
--	-----

In Kosciusko county—

Certain act regulating sale of spirituous liquors repealed.....	125
---	-----

In Henry county—

Act to prevent intemperance in Wayne township.....	125
Sale of intoxicating liquors prohibited in Middletown.....	127

In Johnson county—

Concerning sale of intoxicating drinks in Blue river township.....	126
Act in relation to sale of spirituous liquors in Johnson county.....	127

In Madison county—

Relative to jurisdiction of justices of the peace in Anderson township.....	128
---	-----

In Randolph county—

To prohibit the sale of intoxicating drinks.....	129
--	-----

In Wayne county—

Relative to sale of spirituous liquors in Jefferson township.....	130
---	-----

In Bartholomew county—

Regulating traffic in liquors in the town of Columbus.....	130
--	-----

In Jackson county—

Regulating sale of spirituous liquors.....	131
--	-----

LOANS:

Governor, Auditor, and Treasurer, authorized to borrow money for certain purposes....	132
---	-----

LODGES OF ODD FELLOWS:

Act for incorporation of.....	133
-------------------------------	-----

MARINE HOSPITAL:

Concerning the erection of a Marine Hospital at Evansville.....	197
---	-----

MERCHANTS:

Licensed merchants authorized to vend clocks.....	47
---	----

MILL DAMS:

Height of mill dams, how established, in certain cases.....	3
---	---

NATURALIZATION:

Fees of clerks of circuit courts in cases of naturalization.....	96
--	----

ODD FELLOWS:

Subordinate lodges, how incorporated.....	133
---	-----

OVERSEERS OF THE POOR:

Voters of townships in Clay county may elect overseers of the poor.....	134
---	-----

PATOKA RIVER:

Improvement in Pike county, authorized.....	49
---	----

PAUPERS:

Provision for benefit of paupers in Gibson county.....	50
In reference to the poor of Wayne township, Allen county.....	135

PEDDLERS:

Regulating license of peddlers in Dearborn county.....	136
--	-----

PILOTS:

Rights and liabilities of sureties of pilots.....	180
---	-----

PLANK ROADS:

Act in relation to plank roads.....	138
-------------------------------------	-----

PRINTING:

In relation to the pay of Austin H. Brown, printer to the convention.....	139
Of reports of State benevolent institutions.....	140

PROSECUTING ATTORNEYS:

Relative to election of prosecuting attorneys.....	141
Duty of prosecuting attorneys in Shelby and Knox counties.....	101
Duty of prosecuting attorney in Marshall county.....	98
Duty of prosecuting attorneys in Porter and Lake counties.....	99
Duty of prosecuting attorney of eighth judicial circuit.....	107

R**RECORDS:**

Concerning the destruction of the records of Sullivan county, by fire.....	142
--	-----

RELIEF:

Of persons likely to suffer by the destruction of the records of Sullivan county.....	142
Of the recorder of Franklin county.....	148
Of purchasers of school lands in Lagrange county.....	172
Of owners of lands mortgaged to sinking fund.....	176
Of borrowers of school funds.....	193
Act for relief of Amaziah Hazen, suspended.....	202
Of Capt. William Waldo.....	204

REVENUE:

Act to raise a revenue for 1851.....	148
--------------------------------------	-----

RIGHT OF WAY:

Right of way across swamp lands surrendered to railroad companies.....	151
--	-----

ROADS AND HIGHWAYS—

For the improvement of highways in the counties of Carroll and Delaware.....	154
Relating to road tax in Lagrange county.....	154
Changing and opening roads in Cass county.....	155
Compensation of supervisors of roads in Jackson county.....	156
Roads in certain townships in Dearborn county.....	156
Compensation for working roads in the county of Adams.....	157
Pay for working roads in the counties of Parke and Shelby.....	158
Road tax in Marshall county.....	158

SCHOOLS, COMMON—

For the benefit of common schools in Boone county.....	150
Vote in Vigo county on common school law.....	162
Certain appointments of township clerks legalized.....	163
Declaring certain laws in force in the counties of DeKalb, Noble and Steuben.....	164
Concerning tax for building school houses.....	164
Office of school commissioner in Morgan county abolished.....	165
Assessments of taxes for school purposes in DeKalb county legalized.....	166
Relating to distribution of school funds.....	166
Concerning qualification of school teachers in Shelby county.....	167
Voters of school district in Laporte county may levy additional tax.....	167
Concerning certain school district in Payette county.....	168
Organized school districts in Noble county may levy tax for school purposes.....	169
Vote on school law shall be certified to secretary of State.....	170
Relative to duty of sheriffs and inspectors of the counties of Johnson, Hendricks and Boone.....	170
Townships in Posey county entitled to proportion of school fund.....	187

SCHOOL LANDS—

Sale of school section in Bartholomew county.....	171
Sale of school land in Perry county.....	171
Relief of purchasers of school lands in Lagrange county.....	272
Sale of school section in White county.....	173
Sale of school section in Jay and Blackford counties.....	173

SCIRE FACIAS—

Proceedings upon scire facias in certain cases.....	175
---	-----

SEALS—

Seals used by county auditors legalized.....	42
--	----

SECRETARY OF STATE—

Authorized to furnish clerk of Marion court of common pleas with certain laws.....	73
With auditor and treasurer, authorized to settle with registers, receivers and other officers, for services in relation to swamp lands.....	111
Duty of secretary of State on filing amended constitution in his office.....	53

SHERIFFS—

Concerning duties of sheriffs in Johnson, Hendricks and Boone counties.....	170
Sheriffs shall not purchase judgments rendered in a court for which they act.....	104
Sheriffs in Lawrence county may serve certain process in Owen county.....	175
Sheriff of Greene county shall be allowed extra pay.....	84

SINKING FUND—

Concerning lands mortgaged to sinking fund.....	176
Time extended to borrowers of sinking fund and other trust funds.....	193

SLAVE TRADE—

Joint resolution concerning slave trade.....	202
--	-----

STATE PRISON—

Office of superintendent of work on State prison abolished.....	174
Compensation of Warden.....	174
Construction of a sewer at the State prison.....	177
In relation to library for use of convicts.....	178

SUPERVISORS—

Elected by districts in certain counties.....	179
Election of supervisors in Ripley county.....	88

SURETIES—

Rights and liabilities of sureties of pilots.....	18
---	----

SURPLUS REVENUE—

County board of Wabash county may sell surplus revenue bank stock.....	48
Duties of agent of surplus revenue fund in Scott county transferred to auditor of said county.....	149
Regulating collection of surplus revenue in Carroll county.....	150

SURVEYOR, COUNTY—

In relation to county surveyor of Putnam county.....	180
Voters of Greene county may elect county surveyor.....	181

SWAMP LANDS—

Expense of selecting swamp lands, how defrayed.....	110
Supplemental act concerning swamp lands.....	114
Regulating price of swamp lands in Miami Reserve.....	114
Right of way over swamp lands, granted to railroad companies.....	151

T

TAX:

May be assessed and collected in Steuben county.....	49
Commissioners of Delaware county may levy an additional road tax.....	50
Concerning road tax in Whitley county.....	152
Relating to road tax in Lagrange county.....	154
Road tax in certain townships in Dearborn county.....	156
Road tax in Marshall county.....	158
Relative to levying tax for building school houses.....	164
School tax may be levied in Laporte county.....	167
Tax for school purposes may be levied in Noble county.....	169
Tax on certain incorporated companies, how divided.....	34

TOWNSHIP BUSINESS:

To regulate the mode of doing township business in the county of Wabash.....	182
Relief of township clerks in Posey county.....	187

TOWN PLATS:

Shall be recorded in separate books.....	148
--	-----

TREASURER OF STATE:

Duty in allowing compensation to counsel in certain cases.....	56
Authorized to re-settle with George H. Dunn.....	192
Shall pay certain account of Agent of State.....	5
Shall pay to county treasurers certain moneys.....	111
Shall apply to General Government for certain moneys.....	113
(See act concerning swamp lands).....	110

TREASURER, COUNTY:

Property in possession of county treasurer, uncalled for by owner, may be sold at auction.....	188
Treasurers of certain counties are not required to attend at places of holding elections, except on order of county boards.....	188
Duties of treasurer of Morgan county.....	189
Duties of treasurer of Greene county.....	189
Duties of treasurer of Lake county.....	190
Relating to county treasurer of Miami county.....	190
Time of settlement of county treasurers with Auditor of State extended to April 1, 1851.....	191
Duties of treasurers of DeKalb and Noble counties.....	43
Duty of treasurer of Brown county.....	60
Duty of county treasurer of Jennings county.....	90
Treasurer of Bartholomew county shall pay certain sum of money to William Singleton.....	117
County treasurers not required to keep separate accounts in certain cases.....	149

TRUST FUNDS:

Further time extended to borrowers of sinking fund, and other trust funds.....	193
Reducing fees for taking acknowledgments of mortgages to trust funds.....	194

VENUE:

Concerning change of venue, in criminal cases, in Allen county.....	195
Relating to change of venue, in criminal cases, in Steuben county.....	195

VIADUCTS:

Authorizing the construction of viaducts under public highways.....	196
---	-----

VIGO, COL. FRANCIS:

Relative to claim of.....	198
---------------------------	-----

WABASH COUNTY:

To regulate the mode of doing township business in the county of Wabash.....	182
--	-----

WABASH AND ERIE CANAL:

In relation to damages occasioned by the construction of Wabash & Erie Canal.....	83
Concerning papers and records appertaining to Wabash & Erie Canal.....	204
Relating to pay of counsel engaged on the part of the State against Trustees of Wabash and Erie Canal.....	56

WORLD'S FAIR:

Joint Resolution concerning World's Fair.....	201
---	-----

